Loyalty Aſſerted,

And the late

Remonſtrance or Allegiance

Of the

Iriſh Clergy and Layty,

Confirmed

And Proved by the Authority of Scriptures, Fathers, Expoſitors, Popes, Canons, Cardinals, Catholick-Biſhops, Abbots, Councels, Divines, Canoniſts, Civil-Lawyers, Catholick-Emperours, Kings, States, Parliaments, Univerſities, Hiſtories.

AND

By the Evidences of ſeveral Theological Reaſons.

With a brief

Anſwer to Cardinal *Peron's* Oration and Objections.

By *R. Caron* profeſſor Jubilate of Divinity:

Reddite quæ ſunt Cæſaris, Cæſari: & quæ ſunt Dei, Deo,
Matth. 22.

LONDON,
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BODLEIANA
BIBLIOTHECA

To His most Excellent Majesty

CHARLS II.

By the Grace of God,

King of Great Brittaine, France *and* Ireland, *&c.*

SIR,

IF the Ancients thought fit to give the *statues* of *Equity*, a Book in one hand; as in the other a *Scepter*: And if those renowned *Sages*, (we so much venerate) have recommended to Posterity, That Books be consecrated to

Princes, as Temples to the Gods; I may with ſo much the more confidence lay this little piece of *Loyalty Aſſerted*, at your Majeſties Feet, and beg Your Majeſtie will daign it the honour of your Royal Patronage, by how much it carries in the very Frontiſpiece, and all along indeed, Your Majeſties greateſt concerns in this World; the Rights of your Crown and Soveraignty, of Your Scepter (therein demonſtrated by Authority and Reaſon) to be Independent from any, but God alone.

And as for the other grand Queſtion, diſputed amongſt Divines of later Ages; *How to define the true bounds and limits aſſigned by God, betwixt Prieſt-hood and Monarchy*; I ſhall clearly demonſtrate, that whatſoever in any caſe, matter, or debate is found to be Temporal, that muſt concern *Cæſars* Tribunal: Whatſoever purely Spiritual, that muſt be remitted to, and decided by *Prieſthood*.

All which, notwithſtanding, being the Doctrine of the firſt Chriſtianity; and the Seed ſown by our forefathers in the field of the Primitive Church; yet when men were

were a ſleep, the Enemy came, and overſowed Cockle amongſt the Wheat; which now in all Kingdomes, we ſtrive to gather up, to the end, that betwixt *Prieſthood* and *Monarchy*, *Soveraigns* and *Subjects*, there may be a more perfect intelligence, and betwixt *Church* and *Government*, a clearer correſpondency and union.

And as for this brieſe and ſhort Treatiſe Prelented now to Your Majeſty, although it be outwardly ſmall and ſlight; yet in effect, it is like the Clue of the *Lydian Arachnè*, wrap'd in her ſmal Ivory box; or like a muſtard ſeed, which is the leaſt of all ſeeds; But if your *Majeſty* will command the Clue to be ſtretched out, it will compaſſe the *Lydian* Campe; or the Muſtard ſeed to grow, it will become a tree, ſo that the Fowls of the Air may dwel in the branches thereof.

In the interim, Your Majeſty may be ſure, that whilſt *Mars* is buſie to ſerve Your Majeſty by Sea and Land; *Minerva* ſhall neglect nothing of her duty at home; That by the concurrence of both, *Juſtice* and *Religion* may be ſettled; Nations may teſtifie

the

the Power and Wiſdome of our great *Salomon*; And the world may know, that as Our Soveraign of great *Britain* is gaurded by the Heavens above, ſo His Royal Rights and Priviledges ſhall be maintained by His loyall Subjects on Earth beneath. Amongſt whom, if Your *Majeſty* will be pleaſed to admit Your moſt faithfull Subject and Orator, he ſhall moſt willingly contribute the beſt of his endeavors for your Majeſties Service and Safety, and the beſt of his Prayers, that Your Majeſty may hereafter have no juſt cauſe to complain of Your Subjects, but a happy Reign and long Life, to the comfort of Your Crown and Kingdome, which is, and ſhall be inceſſantly beg'd from heaven by

Your Majeſties

moſt humble, moſt obedient,

and moſt devout Servant,

R. CARON.

To the Reader.

AT the request of many friends at home and abroad, complaining of some ignorant spirits, sowing and fomenting dissentions, and exceptions against our late printed Allegiance, as being dissonant to the Doctrine of Divines, or not warranted by Scriptures, or antiquity; Here (to convince their errour, which more at large will soon appear) I have made a brief Collection of the subsequent authorities, and reasons, that such as are wilfull, may be rectified; and such as are desirous to shake off their ignorance, may thereby find a plain remedy if guided by authority or reason.

And whereas in this our late Remonstrance, nothing can be questioned, if not one of those three: First, whether a Pope, or any forreign power, spiritual, or temporal, may any way depose our *Soveraign*, or discharge his Subjects from their Loyalty, and true Allegiance? Or 2. whether absolute Princes, of what Religion soever, be Gods Lieutenants on earth? Or 3. whether any private Subject may murder or kill his Prince under what pretence soever? *I suppose no true Christian ought, or may affirm either of the latter two, the contrary being points of faith,* Rom. 13. *and defined in the Councel of* Constance *Sess.* 15.

And as for the first, its fully known, that Loyalty and Obedience to Kings, is not only consistent with the tenets of Catholick Religion, but by the same jure divino *taught, and commanded. And that, as the Pope of* Rome *is Christs Viccar on earth* in spiritualibus, *so the King is Gods Annointed, and Deputy* in temporalibus, *without any subordination, as to that; which the subsequent authorities, and reasons will clear and direct. By which it will manifestly appear by the authority and tradition of the universal Church (testified by the hands of so many Fathers, Councels, and Divines) that since the establishment of Gods Church on earth, it was never in the Popes power to depose Kings; and by consequence not to discharge any person from his Loyalty and Obedience to his Soveraign, or give Subjects freedome, as a*

cloak

cloak of malice. And though some examples may be alledged to the contrary in matters of fact, yet this was more (saith Otto Frisengens.) *by usurpation, then by justice; and a novelty never read, or seen among Christians before Pope* Gregory *the seventh, who lived in the eleventh Century.*

I have omitted at present, according to the request of friends, to recite at large the ensuing authorities, to avoid prolixity; but if any dare contradict, I will inlarge them; or if the wilful will not take pains to read the Authors as in the fountain; or the ignorant without larger discourse will not be satisfied.

Surely it were pitty, that truth in these conjunctures of times, and circumstances should be concealed, or lye hidden to the dishonour of the Apostolick Sea, and of the Roman Catholick Religion; and thereby give ground to continue a severe censure against the professors thereof. Neither ought any learned man to stifle such a truth, who dare be honest to his Religion, and Soveraign, if the corruption of self-interest, and vain pretensions abroad, more then the zeal of Religion, or the safety of his Soveraign, and friends at home, will not give his judgement a stop, and thereby betray his duty to God and Cæsar.

I am for my part ready to vindicate the injury done to Pope, King, and Religion: *and (if commanded) to justifie at large, what becometh a true child of the Sea Apostolick, and a faithful Subject to my Prince. The world shall witness the same (if need be) as far as doctrine and tradition be owned by any: and in that resolution shall remain*

London the 8th of June, 1662.

Sir,

Your most affectionate Servant.

R. Caron.

Loyalty

Loyalty Aſſerted, &c.

The Argument.

That neither Pope, or any Spiritual, or Temporal Power on Earth, may in any caſe whatſoever, Depoſe Soveraigns (eſpecially ſuch as are by Succeſſion and Blood) or diſcharge Subjects from their Allegiance.

I.

Confirmed by Holy Scriptures.

IN the firſt place, we finde *Luke* 12. v. 13. That Chriſt our Saviour being deſired by one of the multitude to interpoſe himſelf in a Temporal Debate, which was to divide the inheritance between the two Brothers, made Anſwer thus, *Man* (ſaith he) *who hath appointed me judge or divider over you?* Which (according to all the Commentators upon this Text) was as much as to ſay, that Chriſt as man or Prieſt, had nothing to do with Temporal Affairs.

Neither doth that vain and impertinent diſtinction of the adverſe Party, diminiſh or extinguiſh this truth, as, *That the ſpiritual power hath nothing to do directly with temporal debates, but onely indirectly, in as much* (ſay they) *as ſome ſpiritual circumſtance of Conſcience, Vertue, or ſin, juſtice, or injuſtice, is annexed to the Temporal Controverſie:* This (I ſay) diminiſheth nothing of our Truth; For in the caſe above mentioned (as in all other Debates) we finde clearly this ſpiritual circumſtance of conſcience, Juſtice, or Injuſtice; *Sin*, or Vertue concurring. Which was the reaſon, why one Brother complained againſt the other; petitioning Chriſt for Juſtice; and yet our Saviour openly denied any power in himſelf to intermedle in that caſe. Which truly he could not do, if any way directly, or indirectly he might, as a competent Judge, determine that Temporal debate. And yet all this notwithſtanding, he anſwered (in effect) poſitively, that in that caſe he was not a competent Judge: The reaſon whereof, is very clear: For if ſuch temporal caſes or controverſies, as have vertue, or ſin; juſtice, or injuſtice annexed unto them, had been ſubject to the ſpiritual power, then all caſes and controverſies of the world muſt have bin likewiſe decided, by Popes, or ſome ſpiritual power: And ſo no caſe or controverſie left to the Temporal Judicature; becauſe there is no debate without Juſtice, or injuſtice, ſin, or vertue, on one ſide or other.

But Chriſt being of a contrary perſwaſion, denyed flatly any power at all in himſelf to intermeddle in that temporal debate of the two Brothers: 1. For being himſelf in temporal affairs as well ſubject to *Cæſar*, and afterwards to *Pilate*, as any other ſubject of the Empire, *Matt.* the 22. 21. and *John* 19. 7. It is manifeſt that in the ſame temporal order and caſe, wherein he was ſubject to *Cæſar* and to *Pilate*, he could not be alſo directly, or indirectly their Judge and Superiour; if we ſhould not admit, that in the ſame caſe, and relatively to the ſame Judges; he had been Inferiour and Superiour, Party and Judge.

All which being well pondered, let us now conſider, how Popes, or other ſpiritual Superiours of the Church, (if not of a more ample Power then Chriſt) may be Judges and Superiours to Princes in temporal Affaires, or Controverſies; this being a priviledge which Chriſt himſelf had not?

The truth is, that neither Chriſt as Prieſt, or man, could ever judge, or intermedle with temporal cauſes, or debates; and therefore *John* the 18. 36. He confeſſed that his Kingdome was not of this world; which according to all the Expoſitors, was as much as to ſay, that his Power was not over worldly Affaires: And therefore *Matt.* the 22. 21. he anſwered the Phariſees, *Render the things that are* Cæſars *to* Cæſar, *and the things that are Gods to God*; which was nothing elſe, but to render the temporal things to *Cæſar*, and the Spiritual to God, and his Prieſts. Hence it is, that *Sedulius* (received by the whole Church) in his reproach againſt *Herod*, when he feared vainly our Saviours comming, as King over the Jews; ſaid; why *Herod* doeſt thou fear Chriſt, for he is not come to deprive any man of his temporallity, but to give him eternity. *Hoſtis Herodes impie, regem venire quid times? non eripit mortalia, qui regna dat Cæleſtia.*

And this ſithence the beginning of Prieſt-hood and Royalty, was the Bond and limit between Prieſt-hood and King, even in the law of Nature among the Romans, that as Kings in that quality, could never exerciſe the ſpiritual Function; ſo Prieſts as Prieſts, could never intermeddle with temporal Affairs, *Nefas eſſe arbitrantes ut Deorum Sacerdotes rebus mundanis vacarent*: Eſteeming it criminal that the Prieſts of the Gods ſhould be buſied in worldly things: And therefore ſaith *Virgil*, the Gentile

Jupiter in Cælis; Cæſar regit omnia terris.

After the Law of Nature came the Law of *Moſes*, *Judges* and *Kings*, wherein we find commanded, 2 *Paralip.* 19. That the Prieſt ſhould never intermeddle with

temporal cauſes. *Amarias* (ſaith the text) *the Prieſt, and your Biſhop, ſhall be chief in thoſe things which pertain to God*; that is, in all ſpiritual controverſies *of the Law, of the Commandements, of Ceremonies, of Juſtification*, as we read in the ſame place; *But Zabadias the ſon of Iſmahel, who is the Prince in the houſe of Juda, ſhall be over thoſe works which pertain to the Kings office*, that is, over all temporal affairs. Whereby it is clear, that the Prieſts had nothing to do in temporal cauſes; as the Kings could never uſurp the ſpiritual function.

Then after came our Saviour, and the Law of Grace, wherein we find the ſame order and limits twixt Prieſthood and Royalty, obſerved and commanded, as aforeſaid; nothing as to this, changed, or different from the Law of *Moſes*, or Nature; but ſtraightly ordained, that the Prieſts ſhould look to their ſpiritual charges, and leave the temporal to *Cæſar*. And therefore ſaith the Apoſtle, 2 *Cor.* 10. 4. *The weapons of our warfare are not carnal*; which, according to all Expoſitors, is as much to ſay, as that our power is not for temporal affairs; and therefore, 2 *Tim.* 2. 4. the Apoſtle ſaith, *No man being a ſouldier to God, intangleth himſelf with ſecular buſineſſes*: And if ſo, how then may Popes, or any ſpiritual power, depoſe Kings of their temporal Kingdoms; or diſcharge Subjects from their Allegiance to their Soveraigns?

Secondly, we find clearly in Scripture, that all Souls (none excepted) are bound *jure divino*, and under pain of damnation, to obey their Kings and Soveraigns, how wicked ſoever, as you may ſee *Rom.* 13. and 1 *Pet.* 2. 13, 18. And then I ask, by what power or authority may either Pope, or any power inferiour to God, diſcharge us from this obedience or loyalty, whereunto Chriſt himſelf and his Apoſtles were ſubject, *Matth.* 22. *Joh.* 19. and *Act.* 25. or whether Chriſtian Kings be in a worſe condition in this caſe, then Infidels?

Thirdly, we read 1 *Pet.* 5. 2. that the Church of God hath no external *coactive power*, but only *directive* by teaching

teaching and preaching, as appeareth by theſe words of the Apoſtle to the Seniors; *Feed the flock of God, which is among you, providing not by conſtraint, but willingly, according to God— not over-ruling the Clergy, but made examples of the flock from the heart.* And how then may any Paſtor by force and conſtraint deprive Kings of their Kingdomes; or by an over-ruling power, command either Clergy or Laity not to obey their natural Soveraigns?

Fourthly, we find in holy Writ, *Prov.* 8. 15. *Wiſd.* 6. 4. *Dan* 2. 21, 37. and *c.* 4. 14. and *c.* 5. 21. and *Oſee* 13. 11. that Kings and Soveraigns receive their power and kingdomes, not from men, but from God, as from their principal Efficient, though men may be inſtrumental to that power: And therefore Kings are called by the Apoſtle, *Rom* 13. 4. *The Miniſters of God*, not of Popes, or of Subjects. And how then may Popes, or Subjects deprive a King of that, which they have not given? Or, how may the inferiour power diſpoſe againſt, or countermand the ſuperiour Decree of God? Or how may the Inſtrument move and work, without the motion and direction of the principal Efficient?

Fifthly, we find in Scripture, *Dan.* 4. 29. *Oſee* 13. 11. and *Pſal.* 50. 6. that God alone may temporally judge, puniſh, or diſpoſe of Kings and Kingdomes: and that Soveraigns are ſubject to none in their temporalities, but to God only and immediately. And then I demand, how may Popes or Subjects, in any caſe whatſoever, depoſe Kings, or diſpoſe of their Kingdomes, if not by ſpecial order from God, as Prophets in times paſt have had?

Sixtly, we find, *Matth.* 16. 19. that the power given to St. *Peter* of binding and looſing, was not temporal, but purely ſpiritual; nor in order to earthly affairs, but to heavenly and divine; as appeareth by thoſe words of our Saviour to him; *I ſhall give thee the keyes* (not of earth, ſaith St. *Ambroſe*, but) *of the Kingdome of heaven.* How then may Popes, or any ſpiritual power, *directly*, or *indirectly*, depoſe Kings: or open a door, having not the key; or make uſe of any temporal authority, to the prejudice

prejudice of the civil government, if he hath not a temporal key to bind or looſe the Empire, that is, to depoſe or create Soveraigns according to his own judgement, and occurring neceſſities? Thus far our Concluſion is warranted by the Word of God: now therefore let us come to the holy Fathers.

II.

Confirmed by holy Fathers, and Expoſitors of Scriptures.

FOr the confirmation of our former Argument, or Concluſion, we do alledge all the Fathers, Greek and Latine, that ever writ of this ſubject; and that without excepting either the caſe of hereſie, or of any crime whatſoever, their Grounds and Reaſons being alwayes one of theſe three enſuing; either,

1. Becauſe the ſpiritual power may not intermeddle with temporal affairs: Or,

2. Becauſe Soveraigns are ſubject to none but to God alone; and all the reſt *jure divino* ſubject to them. Or,

3. Becauſe from God alone they receive their power and Kingdoms; and conſequently none elſe but God may deprive them of that Soveraign power wherewith they are inveſted.

And on either of theſe Grounds, or ſometimes on all, we ſhall find the enſuing authorities conſonantly concurring with us in our doctrine. And firſt of the Fathers.

Fathers.

Tertulian ad Scapulam c. 2. *Et in Apolog. contra Sent. c.* 33.
Juſtinus orat. ad Anthon. Pium.
Theophilus Antiochenus lib 1. *ad Autholicum. Et l.* 3.
Origines in c. 13. *ad Roman. l.* 9.
Cyrillus Alexandrin. in Joan. l. 12. *c.* 56. *& de Incarnatione unigenit. c.* 13.

Hoſius

Hoſius Cordubenſis ep. ad Conſtantium Imp. de qua Athanaſ. epiſt. ad Solitarios.

Clemens Alexandrin. l. 4. Strom. in illud Pſal. 50. Tibi ſoli pecca[illegible]

Epiphanius hæreſ. 40 contra Archonticos.

Gregorius Nazianz. orat. 17. ad cives Nazianz. & orat. altera de ſe ipſo: & orat. 1. in Julian.

Hieronimus tom. 1. ep. 46. ad Ruſticum. Et ep. 22. ad Euſtochium.

Ambroſius in Apolog. David c. 4. & 10. & l. 2. ep. 7. & l. 5. orat. in Auxent. in Pſal. 118. & orat. de trad. Baſilicis.

Chryſoſtomus de verb. Iſaiæ Hom. 4. & in c. 13 ad Rom Hom. 23. & Hom. 2. & 20 ad popul. Antiochen.

Auguſtinus tract 115. in Joan & in c. 11. ad Rom. & l. de fide & operib. c. 2. & in quæſt Vet Teſt. c. 35. & in Pſal. 124.

Optatus lib. 3. contra parmenian.

Proſper Aquitanicus ſent. 99.

Theophilactus in c. 22 Matth. & in c. 13. ad Rom.

Gregorius Turonenſis lib. 5. Hiſtor. c. 17.

Sedulius in Hymno Eccleſiæ. Hoſtis Herodes impie:

Theodoretus in c. 13. ad Roman.

Agapetus in parænet. num. 1. 27. 61. 63. & 68.

Arnobius in Pſal. 50.

Antonius Monachus in Meliſſa l. 2. Serm. 1.

Dydimus in Aurea catena græca in Pſal. 50.

Cyrillus Alexandrinus in Joan. l. 12. c. 56.

Iſidorus Hiſpallenſis l. 3. ſent. c. 50.

Oecumenius in c. 13. ad Roman.

Hincmarus ep. ad Hadrian. 2. apud Bochell. in decret Eccleſ. Gall. l. 1. tit. 16. c. 2.

Joannes Damaſcenus parallel. l. 1. c. 21.

Caſſiodorus in Pſal. 50.

Anſelmus in c. 26. Matth.

Beda in Pſal. 50.

Euthymius. Ibidem.

Bernardus de conſiderat. ad Eugen. l. 1. c. 6. & l. 2. c. 6. & ep. 42. ad Archiep. Senonenſ. & l. de paſſion. c. 4. & ep. 170.

Theodorus Balſamon in 6. Synod. can. 7.
Athanaſius Conſtantinop. ep. 6. ad Impe. de qua in Biblioth. patrum tom. 3.

Expoſitors.

Innocentius 4. in Pſal. 50.
Haymo in eundem.
Alexander Ales in eundem.
Lyranus in eundem.
Bruno Herbipolenſis in eundem.
Ayguanus ſive Incognitus in eundem.
Joannes Turrecremata in eundem.
Dionyſius Carthuſianus in eundem.
Jacobus Faber in eundem in Pſalt. quin.
Gloſſa ibidem.
Sebaſtianus Gomezius in eundem.
Gaſper Vlembergius in eundem.
Didacus Vega conc. veſpert. 2. in Pſal. 50.
Jacobus de valentia in eundem.
Cornelius Janſenius Senior, tract. de ſum. pontif. in Pſal. 50.
Ludolphus de Saxonia in Pſal. 50.
Guilielmus Lindanus in eundem.
Guilielmus Pipinus conc. 52. in Pſal. 50.
Joannes de Pineda tom. 2. in c. 34. Job v. 18. n. 6.

And many more, whoſe names ſhall appear if neceſſity requireth.

III.

Confirmed by Popes, Canons, and Cardinals of Rome.

FIrſt by Pope *Clement in conſtitutionibus Apoſtol. l. 4. c. 12.*
By *S. Leo* Pope *ep. 38. & 43. ad imperat. Martianum.*
Pope *Innocentius 1. apud vercell. de unit. Eccleſ.*
Pope *Gelaſius epiſt ad Anaſtaſ. Imper.*
Pope *Symmachus in Apologet. ad Anaſtaſ. Imper.*
Pope *Pelagius 1. ep. 16. ad Childericum regem Francor. apud Binnium tom 2. p. 633.*
Pope *Gregorius magnus l. 7. ep. 1. Indict. 1. & l. 2. ep. 61.*
Pope *Agapetus ad Juſtinian. Imper. in parænet. n. 27.*
Pope *Gregorius 2. ep. 13. ad Leon. Imperat.*

Pope

Pope Leo 4. 2. *q.* 7. *c. Nos si incompetenter. & ii q.* 1. *c.* 29.
Pope Nicolaus epist. ad Michael. Imper. de qua 33. *q* 2. *c. Inter hæc.*
Pope Johannes 8. *cap. porro* 16. *q.* 3.
Pope Celestinus extra de judiciis c. cum ab homine.
Pope Innocentius 3. *c. per venerabilem: qui filii, & in Psal.* 50.
Pope Innocentius 4. *c. Noverit. de sent. Excom. & in Psal.* 50.
Cardinal Petrus Damianus l. 4. *ep. ad Oldericum Firmanum Ep.*
Card. Petrus de Aliac. tract. de Eccl. considerat. 2. *gravam.* 2. *& c. de reform. laicor. consid.* 6.
Card. Hugo Blancus apud Binnium in Concilium Wormatiense.
Card. Raynoldus Polus c. 25. *&* 26. *de sum. Pont. Et l. de def. unit. Eccles. ad Henric.* 8.
Card. Nicolaus Cusanus l. 3. *concord. Cath. c.* 3. *alias* 4. *&* 41.
Car. Pelleve apud Bochellum l. 5. *tit.* 20. *c.* 45.
Car. Benno de vita & gestis Hildebrandi.
And many more Cardinals to be alledged, if required.

IV.

Confirmed by Catholick Bishops and other Prelates.

By Lancfrancus Archbishop of Canterbury ep. ad Hugonem apud Baron. ad an. 1080 *n.* 27.
N. Verdunensis Ep. ad Concil. Wormatiense.
Veverius Vercellensis orat. in Conventu Episcoporum Garstungi apud Aventinum l. 5.
N. Designatus Treverensis Epist. ad Concil. Wormatiense.
Eustachius Episcopus Parien. in Concil. Trident. apud Comment. Pithovii p. 2.
Walthramus Magdeburgensis Ep ad Ludovicum principem apud Dodechinum in Apend. Mariani Scoti.
Cunerus Leuvardiensis l. de Offic. principis c. 7.
Hildebertus Cenomanensis Ep. 40. *&* 75. *Bibl. patrum. tom.* 3.
Ivo Carnotensis Ep. 109. *ad Gaufridum, & ep.* 171.
Johannes Sarisburiensis Episcopus Policrat. l. 8. *c.* 20.
Eberhardus Babenbergensis Ep. ad Eharhardum Saltzburgens. apud Radevicum l. 2. *de gestis Fredericic.* 71.
Robertus Episcopus Lincolniensis orat. coram Innocent. 4. *& Gardinalib. Lugduni Anno* 1250. *ex M. S. Oxoniensi.*
Stephanus Gardinerus l. de vera obedientia.

Edmundus Bonnerus in præf. ejusdem.

Abbots.

S. Bernardus supra inter patres.
Ninianus Winzetus in velitatione contra Buchananum p. 180.
Robertus Tuitiensis l. 8. *in illud Math.* neque Virgam. *& l.* 9. *in Matth.*
Beringosius de Mysterio ligni dominic.

V.

Confirmed by Catholick Councels.

First, by the General Council of Nice the 2. Act. 3. Tom. 3. Concil. p. 83.
By the Council of Toledo the 4. c. 47.
By Toledo the fifth.
By Toledo the sixth.
By Toledo the tenth.
By Toledo the twelfth can. 1. & 3.
By the Councel of Rhems c 5. & 6. under *Hugo*, & *Robertus*.
By the Councel of Paris *Anno* 829. *sub Ludou. & Lothario l.* 2. *c.* 2. 5. *&* 8. *Tom.* 1. *Concil.*
By the Councel of *Aquisgranum in causa Hadriani* 2. *& Caroli Calvi anno* 870. *apud Hincmarum in Hadrian.* 2.
By an other of *Aquisgranum in causa Ludovici Imperat. tom.* 3
By the Councel of *Moguntia anno* 1079. against *Hildebrand.*
By a Councel of Rome *anno* 1089. many Cardinals, Princes, and the whole Clergy of Rome being present, wherein the Sentence of Pope *Gregory* the sevenths deposing the Emperour, was condemned of Heresie, as we finde it recorded *in Constit. Imperialib. tom.* 3.
By another Councel of Moguntia under Pope *Urban* the 11. The Emperour being present with many Peers, Dukes, Bishops, with the Legates of *Clement* the third, and most Bishops of France, Italy, and Germany, as we finde in *Aventinus l.* 5.
By the Councel of Clarendon in England, under *Henry* the

the second, many Bishops being present, and among the rest St. *Thomas* of *Canterbury*, by whom the Councel was Confirmed, as we finde *in Binnius tom. 3. p. 2. Ex Math. Parisiens.*

By the Gen. Councel of Constance sess. 15. against *Huss.*

By the Councel and Congregation of Turon *anno* 1510. against the Censures of *Julius* 2. in temporal Affairs. In all which Councels were more then one thousand Bishops.

Besides those XIV. Councels, there are as yet IV. Councels condemning directly and *ex propasito*, such depositions as were made by Popes; and therefore called by *Binnius*, and others of that party, *Conciliabula*, or Schimatick Councels; because in this case of deposition of Soveraigns, they opposed Pope *Gregory* the seventh, against *Henry* the fourth, and would not forgo their Allegiance, by virtue of any Censure, or Command of the Pope to the contrary:

The Councels were,

1. The Councel of *Worms*, *anno* 1075. against Pope *Hildebrand*; all the Bishops of *France* and *Germany* (except the *Saxons*) being present.

2. The Councel of *Papia*, *anno* 1076. against *Hildebrand*; the Bishops of *France*, *Germany*, and *Italy* being present.

3. The Councel of *Brixia anno* 1080. against *Hildebrand*

4. The Councel of *Moguntia anno* 1085. against *Hildebrand*, the Emperour and Peers of *Germany* being present.

All which four Councels, though of three several Nations consisting, yet are condemned by foure other Roman Councels, VII. VIII. IX. and X. though almost by one Nation only, or part of it held. And therefore the aforesaid Councels are termed by *Binnius*, and some others, Schismatical, as indeed upon the same score, they might call all the rest, held either against *Hildebrand* or others. But notwithstanding all this, we may rationally question *Binnius* and his Confederates, whether this Censure be well grounded, or no? For it is well known, the

Contestation between *Hildebrand* and the aforesaid Councels proceeded first, That the Bishops of *Germany*, *&c.* would not (according to the Popes Command) forgo their Temporal Allegiance to their Emperour, or adhear to the Popes deposition; and therefore were Excommunicated by *Hildebrand*, and declared Schismaticks; Whereupon the Bishops in their aforesaid Councels, Declared *Hildebrand* to be a Berengarian Heretick against the Reall presence, guilty of Simony, Sorcery, *&c.* and his Election to be void: which was the reason, (and not any errour in Faith) why *Binnius* out of *Lambertus*, *Bertholdus* and *Gulielmus Bibliothecarius*, censured those Councels as Schismatick and unlawfull.

All which being supposed, as a known truth; The first Query is, whether Subjects may be Excommunicated, or Declared Schismaticks for maintaining temporal Allegiance to their Soveraign, notwithstanding any deposition or sentence given, or to be given by the Pope? And if so, then the contrary opinion can no way be probable or safe in Conscience; which yet our Adversaries durst not assert; otherwise the whole world, and especially *France*, as also such others as professe, that they are ready to swear their Allegiance *in quæstione facti*, may be lawfully excommunicated, and declared Schismaticks: and consequently their Oath and Doctrine must be sinfull, and temerarious: Or if not so: How then could the aforesaid Bishops, going upon the same score, be Excommunicated, or declared Schismaticks?

The second Query is; How might *Hildebrand* (being the party accused in matters of fact) condemn the aforesaid Councels as *Conciliabula*, before the question of fact had been tryed by lawfull Witnesses, and decided by a competent and indifferent Judge, which never hitherto was done? Or, how could these Councels be condemned or termed conciliabula or Schismaticks, more then the Universities of *France*, wherein thousands taught and maintained, and do still maintain and teach the same Tenet; which is, That Popes in no case may depose Soveraigns;

veraigns; and yet hitherto, none durst give them the Name of schismaticks or Conventic'es?

The third Query is, Why the aforesaid Councels should be rather termed *Conciliabula*, more then the four Councels of *Rome*, wherein *Hildebrand* deposed *Henry* the fourth, bestowed his crown and Kingdome on *Rodulph*, and excommunicated the Bishops as aforesaid, whereas it is as probable that the Pope herein erred, as it is that the aforesaid Councels should err in not obeying the Popes deposition or sentence against their Soveraign.

VI.

Confirmed by Catholick and Classical divines of all Nations.

FIrst, by the Divines and whole Clergy of *Leige*, *Tract. de Jurisdict. imperator & Papæ apud Schardium.*

By Hugo à Sancto Victore de sacrament. l. 2. p. 2. c. 3, 4, & 7.

Alexander Halensis p. 3. q. 40 memb. 5. q. 4. ad 1, 2, & 3.

Scotus 3 dist. 20. q. unica n 10. as hereafter shall appear.

Thomas Waldensis doctrina fidei l. 2. art 3. c. 78.

Conradus Trajectiensis apud Aventinum l. 5.

Michael Cæsenanus general of the order of S. *Francis*, *apud Masseum l. 18. in principio.*

Johannes de Parisiis Tract. de potest. regia c. 5. 10, 11. & 15.

Jacobus Almainus de potest. Eccles. c. 12. ad 7. ration. q. 2. & l. de dominio naturali &c. conclus 2.

Petrus Damianus ep. ad Firmin. Episcop. apud Baron. an 1503.

Driedo. lib. 2. de libert. Eccles. c. 2.

Alexander Cæmentarius apud Mat. Parisiens anno 1209

Guilielmus Occham Tract. pro Ludov. Bavaro contra Joan. 22. p. 1. l. 6. c. 9.

Disputatio inter Clericum & militem sub Bonifacio 8. edita à Simone Schardio

Johan. de Gaudavo in Monarchia Haiminsfeldiensi contra Jo. 22

Ægidius Romanus 2. dist. 44. q 2. art. 3. & q. de utraq; potest. art. 3

Tractatus Anonym. de potest. Papæ sub Philippo pulchro anno 1300. *cujus initium* Rex Pacificus. *Et in decis. quest. de figura virgarum Moysis & Aaron.*

Joannes Gerson Cancellarius Parisiens. l. de potest. Eccles. consid. 12. & 13.

Æneas Silvius l. de ortu & Authorit. Imperii c. 16.

Guilielmus Widefordus contra Wicklefum art. 16. 23. & 24.

Joannes Major 4. *dist.* 20. *q.* 2. & *dist.* 24. *q.* 3. where he writes that the contrary doctrine hath been declared *heretical* by the Faculty and Doctors of *Paris.*

Richeomius Jesuita in sua querela Apologet. impressa Burdegali anno 1603. *ubi p* 60. 94, 54, 120. & *seq. hanc nostram doctrinam testatur esse societatis suæ, paucis exceptis.*

Responsio Apologetica soc. præsentata reginæ Franciæ anno 1611. *Parisiis impressa, p.* 90. & *sequent.*

Joannes Vivaldus in Suasione invitatoria pro referend. grat. p. 136.

Joannes Ferus l. 3. *comment. in illud Matth.* Tibi dabo claves.

Joannes Arboreus in Matth. 16.

Ambrosius Catharinus in c. 13. *ad Rom.*

Franciscus Fevardentius in c 2. *Ruth. v.* 13.

Gaspar. Vlembergius l. cui titulus, Graves & justæ causæ, causa 2.

Joannes Costerus in fide demonstrat. p. 96.

Cornelius à lapide in c. 13. *ad Rom.*

Jacobus Bosgravius in declarat. anno 1582.

Joannes Hartus epist. ante Collat. cum Reinaldo anno 1584.

Joannes Bekinsau de absoluto regis imperio.

Apologia Catholica pro rege Navarreno.

Tractatus varii Theologic. in controversia Paul. v. & Venetorum.

Blackvellius de Allegiancia.

Widringtonius de eadem.

Warmingtonius de eadem. In Apol. de jure principum.

Christopherson de eadem.

Andreas Fricius l. 2. *de Eccles. c.* 11.

Georgius Cassander in Consult. cum Rom pontif.

Joannes Redin de Majestate Principum Rat. 1. *n.* 32

Rainerus Pisanus in Pantheologia p. 1. *tit. de dominio c.* 2.

Guilielmus de Rubione 4. *dist.* 19. *q.* 2.

Franciscus

Franciscus Vivius com. Opinion l. 9. v. Imperatores.
Hector Pintus com. in Ezechiel. c. 45. v. sufficiat.
Michael Vulcurunus in regimine mundi p. 2. q. 11.
Cramuel in Theologia Fundamentali num. 2091.

To whom may be added all the Divines of *France*, even of the society of Jesus, as also of all other orders those two hundred and odd years, exceeding the number of many thousands. And all such as do maintain, that it is injustice to force any out of his possession by a probable right onely: And of this opinion are all the Divines & Legists that ever I read; though some in this point contradict themselves. And to those also may be added *Scotus* that great light of all Divines, 3. *dist.* 30. *q. un. n.* 10. where he teacheth, that it is not lawful to wish the death of a Tyrant, especially subject to no other humane Judge; and his reason is, *Quia ex persecutione Ecclesia proficit:* Because the Church doth profit or increase by his persecution. But no lesse doth it increase by the non deposition of that Tyrant, as by the non killing; and therefore, according to *Scotus*, may be no more deposed then kild. And although some few of the former Divines say, that Kings may not be deposed by Popes, *if not in case of heresie*; yet their meaning is, (as appeareth by their Reasons) not that in case of heresie they may be deposed, but that in no other case *at least*, for they plead for such Kings and Emperours as were not Hereticks at all, and therefore beyond all dispute could no way be deposed, which Cardinal *Peron* should consider better.

VII.

Confirmed by Canonists and Legists.

Baldus in proœmio sup. ff. vetus n. 8. & 9.
Cynus l. Benè a Zenone cod. de quadrien. præscript.
Albericus de Rosate in dictionar. u. Electio Imperat. & u. Imperator Constantinus.
Bartholomeus Salicetus Sup. 1. cod in Rubr. proœm. n. 7.
Author Somnii Viridarii Caroli V. Regis Francor. consiliarius l. 1. *in proœm. &* c. 7. 73. & 163.

Joannes

Joannes Petrus Ferrariensis in form. libel. in act. confeß. pro servitut. §. plenam. & act. de substit sect. ex suo.

Anthoninus de Rosellis l. de potest. Imperat. & papæ p. 1. c. 25. & 38.

Cosmas Guimerius in glos. Sanct. pragmat. in præm.

Bartholomeus Soncinus par. 2. consil. 275. n 9.

Gregorius Hamburgensis Jurisconsultus, & legatus Sigismundi Imperator. ad Pium 2. in confutat. primatus temporalis pontificis.

Gasper Volascus in l. Imperium ff. de Jurisdict. judic. par. 1.

Repititio Juris civilis.

Joannes Igneus disput. An Rex Franciæ, &c. n. 37. & 100.

Constantinus Harmenopulus Judex Thessalonicensis in promp. l. 1. tit. 1. l. princeps ff. legib.

Joannes Tercellinus v. offendere tit. de hæret. c. 13. sect maneantur.

Bartholomeus Cassaneus Catal. Gloriæ mundi p. 5. cons. 28, 34, & 35.

Adam Blackvodeus in Apol. pro regib. contra Bucchananum c. 5, 13. & 22 & l. 2. de conjunct. religion. & Imperii c. 75.

Franciscus Duarenus l. 1. de sacris Eccles Ministeriis c. 4.

Jacobus Leschasserius tract. de libert. Eccles. Gallican. apud Bochellum supra l. 1. tit. 21. c. 1.

Glossa in c. Quoniam dist. 10.

Petrus Pitheus de libert. Gallic anno 1594.

Guilielmus de Monteferrato tract. de succes. regum n. 40.

Petrus Gregorius Tholosanus tract. de Repub. l. 26. c. 5.

Lupoldus de Babenberg tract. de jure regni & Imperii c. 9.

Ludovicus Servinus Procurator generalis Regis Franciæ, tract. contra Bellarm.

Gratianus 2. q. 7. c. nos si incompetenter.

Albericus in dictionar. v. Electio.

To whom may be added all the Canonists and Civil Lawyers of *France*, and *Germany*, very few excepted. See *Navar. in c. novit. de judic. Covar. c. peccatum sect. 9. n. 7. de regul. Juris in 6.* And *Ferdinandus Vasques controvers. Illustr. l. 1. c. 20.*

Con-

VIII.

Confirmed by Catholick Emperours and Kings.

By *Justinian Imp. Novel.* 133.
By *Henry* the 4. *Imper. Ep ad Annonem Colonienſ in Faſcic. rerum expetendar contra Gregor.* 7.
By *Balduinus Imp in reſcript. ad Innocent.* 3. *inter conſtit. Imperial. tom.* 30.
By *Otto* the 4. *Imp. In conventu Norembergæ apud Naucleruum Gen.* 41. *anno* 1212.
By *Frederick* the 2. *Imper. Apud Petrum de Vineis l.* 1. *Ep.*3.
By *Philippus pulcher* King of *France Ep. ad Bonif.* 8 *quæ incipit*; Sciat tua maxima fatuitas, *apud Locvellium ſupra l* 2 *tit.*16. *c.* 2.
By *Ludovicus* 4. *Imp. in Apol. contra Johan.* 22.
By *Edward* the firſt, King of *England*, *Epiſt. ad Bonif.* 8. *Et apud Math. Weſtmonaſt. in Hiſt Ang. p.*2. *p.*436.
By *Edward* the 3. King of *England*, *apud Walſingam ad anno* 1339, *&* 1349.
By *John* King of *England*, *Apud Walſingh. ad an.* 1298.
By *William* the 2. King of *England*, *Apud Math. Pariſienſ. Hiſt. Anglic p.*147, *&* 153.

IX.

Confirmed by Catholick Kingdomes, States, and Parliaments over all Chriſtendome.

FIrſt, by the Parliament of *England* in *Lincoln* under *Edward* the firſt, *anno* 1202. *apud Walſingam in Edw.*1.
By another Parliament of *Weſtminſter* under *Richard* the ſecond *anno* 1392. for purchaſing of Bulls from *Rome*; and that the Crown of *England* is ſubject to God only.
By the Diet of *Frankford* in *Germany*, *anno* 1338. The Emperour *Ludovicus*, and both Kings of *England*, and *Boboniah* being preſent, with many Peers, Princes, Lords Spiritual and Temporal, as you may finde in *Crantzius* in *Saxonia l.* 9. *c.* 15.

Again in the time of *Hadrian* the 4. and *Frederick* the first Emperour, as you may finde at large in *Radevinus l. 1. c 9 & 10. in vita Frederic.* and in *Acta Gregorii 7. & Henrici 4. in volumine script. Germanor.*

By the *Grandies* and Divines of *Spaine*, in the debate between *Philip* the second, and Pope *Paulus 4.* concerning *Naples* and *Portugal*, as you may finde in *Valdesius Granatens. l. de dignitate regum Hispanarum c. 22.* and in *Thuanus par. 3. Hist. ad annum 1565.*

By the three States of *France* under *Charls* the VI *anno 1543. & 1548.*

By another under *Charls* the seventh, both Acts inserted in the Pragmatick or Laws of *France*; See the *Synopseos tractatus Agobardi de comparat utriusq; regiminis.*

By a Parliament of *Paris anno 1561. 2 December.*, against *Tanquarellus apud Bochell. supra l. 5 tit. 4.*

By another Parliament of *Paris anno 1594. 20. Decembr. contra quæstiones Florentini Jacobi apud Bochell ibidem.*

By another 1595. 7. *January* and 19. *July.*

By another of *Paris anno* 1610. when *Bellarmines* book against *Barkley*, by order of Parliament was burned.

By another *anno* 1614. when *Suares* his book against King *James* was by order of Parliament burned by the hangman 26. *Junii.*

By another *anno* 1615. 2 *January.*

X.

Confirmed by Catholick Universities, as also by the Jesuits of France.

First by the University of *Bononia* against Pope *John* the 22. *apud Aventinum l. 7. p. 627.*

By the University of *Paris anno* 1610. and afterwards by the Faculty of *Paris anno* 1626. 4. *April*, condemning the contrary opinion, as new, false, erroneous, contrary to the word of God, injurious to the Popes dignity, &c. to the Majesty of Soveraigns, hindering the conversion

of

of Heretick and Infidel Kings; dangerous to all kingdomes, States, and Common-wealths; Schismatical, breeding and fomenting Factions, Rebellions and Murders of Princes. All which was afterwards declared and confirmed by the whole Universitie, *anno* 1626. 12. *Cal. May*, as hereafter shall appear. And after by those other subsequent Universities in the same year, and tenour.

By the Universitie of *Caan anno* 1626. 7. *May*
By the Universitie of *Rhems, anno* 1626. 18. *May*
By the Universitie of *Thollouse anno* 1626. 23. *May*
By the Universitie of *Poictiers anno* 1626. 26. *May*
By the Universitie of *Valence anno* 1626. 14. *July*
By the Universitie of *Burdeaux, anno* 1626. 16. *July*
By the Universitie of *Burges anno* 1626. 25. *November*.

All which you shall finde more at large in a Book printed in *Paris*, called *Collectio Diversorum actuum, &c.* and yet no Censure or Excommunication issued hereupon from *Rome*; and if it had, surely it had been sacrificed to *Vulcan* by the hands of Mr. *Hangman*.

This Censure of the Universitie of *Paris*, was confirmed soon after, by the Parliament of *Paris*, and embraced by the cheife Heads of the Jesuits in *France*, being commanded to Teach and Preach this Doctrine over all the Kingdome, which they did. But least any should misbelieve this our relation, here you shall see the very Acts of Parliament, Jesuits, Sorbone, and of the whole Universitie of *Paris*, against the contrary Doctrine of *Sanctarellus* the Jesuite, as you may finde in a Book called *Gallicinium*, printed at *Paris* in the year 1636. *Cum Privilegio Regis*.

The Parliament or Court of *Paris* against *Sanctarellus*.

The Court and the grand Chamber of Tournelle, &c. having seen a book, printed at Rome in the year 1625.

called a Treatise of Anthony Sanctarellus a Jesuite, concerning heresie, & the Papal power, containing in the chapter 30. and 31. many Propositions contrary to the power of Soveraigns and Kings, established and ordained by God, for the repose and tranquillity of their States. The Conclusions of the general Procurer of his Majesty, and all the rest being considered, the aforesaid Court hath, and doth declare the Propositions & Partimes contained in the aforesaid book, false, scandalous, and seditious, tending to the subversion of the soveraign power established and ordained by God; and to the rebellion of Subjects against their Prince; to the withdrawing of them from their obedidience, and inducing them to attempt against their persons and state, and to trouble the repose and publick tranquillity. And therefore we command that book to be teared and burnt in the Pallace-court, charging all Printers and Book-sellers under pain of Treason, not to print it, or cause it to be printed, nor to expose or sell the aforesaid book. Injoyning also all such as shall have any Copies of the aforesaid book, or cognizance thereof, to give notice immediately to the ordinary Judges to make their inquisition by the diligence of such as shall be substituted by the Procurer-General, who shall proceed against the culpable as it behoveth him to do. We ordain also, that this present Decree be sent to all the Bayliwicks and Seneschalships of the aforesaid Court, to be published in publick places, kept, and observed according to the form and tenour. And to be remitted to the Syndick of the Book-sellers to advertise all the rest, that none may pretend ignorance. We order also, that the Provincial of the Jesuites, with three of his Regents, and three of his Elders, be commanded to appear before the aforesaid Court to be heard. Given and executed the 18. day of March, 1626.

By vertue of the aforesaid Decree, the book of *Sanctarellus* was *a parte rei* and immediately burnt at the Pallace-court by the Hangman, and not by the invention or speculation of any Heretick.

That very day the Procurer-General declared to the Court, that the Deputies of the Priests and Schollars of

of the Colledge of *Clermont* being heard in Court, it was necessary for the good and service of the King, and of his Royal Authority, and of the Rites of the *Gallican* Church to provide. The matter being consulted, The Court of the grand Chamber *Turnell*, and the Assembly, &c hath, and do order, that the Provincial of the aforesaid Priests of the Colledge of *Clermont* shall assemble within three dayes the aforesaid Priests and Schollers in their three several Houses within the Town of *Paris*, and cause them to subscribe to the censure of the Faculty of *Sorbone* the first of *December*, 1626. against the book called *Admonitio ad regem*, making an Act whereby they disavow it. *The Jesuites Colledge in Paris.*

The Jesuites Act and Censure.

WE under-written do declare, that we disavow and detest the bad doctrine contained in the book of Sanctarellus, *in what concerns the Kings Persons, their Authorities and States, whereby we acknowledge, that their Majesties are from God only, in confirmation whereof we are ready to expose our lives in any occasion, promising to subscribe to the censure that shall be made against that pernicious doctrine by the Clergy, or* Sorbone, *and never to professe any opinion or doctrine contrary to what shall be maintained by the aforesaid Clergy and University of the Kingdome, and* Sorbone *in this matter.*

Signed by the under-named Religious of the company of Jesus in *Paris*, the 16. of *March*, 1626.

Pierce Cotton
Ignace Armand.
Charles de la Tour.
Jean Suffren.
Francois Garassus.
Francois Gaudillon.
Dionysius Petbavius.
Jean Filleau.
Jean Brasiault.
Estienne Guerrey.
Ludovicus le Moiret.
Jacques Sirmond.
Pierre Royer.
Estienne Bauny.

All.

All this happened really and truly. But say you, the Jesuites, though here they promised and signed under their hands to subscribe to the censure that should issue afterwards from *Sorbone*, yet *Sorbone* having censured, they notwithstanding escaped, and never yet subscribed, as now they say. But whether this be well and really done, or cunningly, I leave to the judgement of the Reader: Besides, that in their former Declaration, the substance of their Allegiance and doctrine is comprehended and subscribed.

The Censure of the Holy Faculty of Divines in Paris, *against the Book of* Anthonius Sanctarellus *Jesuit, called,* A Treatise of Heresie, Schisme, Apostasie, *&c. Dedicated to Prince* Maurice *Cardinal of* Savoy, *and Printed in* Rome, *apud Hæredem* Bartholomæi Zanetti, *Anno* 1625. *Superiorum permissu.*

IF any shall doubt, that we are come to the end of the world (as the Apostle speaketh) let him look on those latter times, and confer them with former Ages; and he shall easily finde that the enemy of mankinde left nothing unattemped, whereby he might not onely blemish, but also destroy both governments, Ecclesiastick & Civil.

Some wicked spirits lifting up their faces against Heaven, have endeavoured by Pen and Sword to infect the Church, and the Spouse of Christ: Other mad spirits attaqued the Civill Government by other wayes, knowing and fearing the Sword of the Secular Power, which they carry, not without cause; And have contrived another plot, which was, to extinguish it by wicked Books, and clandestine means, which by force they could not do.

These are they whom *Jude* the Apostle in his Canonicall Epistle describes, *The Contemners of Domination, and Blasphemers of Majesty*: and would to God they had gone no further then contempt and blasphemy; but they also strive by their idle Pens to deject Kings from their Crowns under

under pretence of some temporal power in the Church; and that according to their will and pleasure, even upon slender and ridiculous grounds; and to place others for some years, or dayes, as they please, in their seats.

Which the Faculty of Divines in *Paris* seeing, to have been plotted for the destruction of civill Government, and chiefly for the eversion of the Monarchy of *France*, under our most Christian, most clement, and most just Soveraign *Ludovick*, and by the example of our predecessors, and to declare our affection and loyalty towards our pious King, and his most Christian Kingdome; and to satisfie the desires of all; the Faculty commanded the Book of *Santarellus* called *of Heresie, Schisme, Apostasie, &c.* to be examined by some deputed Doctors of Divinity in an extraordinary Assembly, held the 16. of *March* last: Wherein many things being found, which concern not the present purpose, they fell to the examination of two chapters, 30, and 31. of that Treatise.

Therefore in the year 1626. the first day of *Aprill*, after Mass of the Holy Ghost, and in a full Assembly, in the Hall of *Sorbone*, a relation was made by the deputed Doctors, that in the aforesaid two chapters, those Propositions were found.

That the Pope may with temporal punishments, chastise Kings and Princes, Depose and Deprive them of their Estates, and Kingdomes, for the crime of Heresie; and Exempt their Subjects from the Obedience due to them; and that this custome hath been alwayes practised in the Church, &c. Also that the Pope had Right and Power over both spirituall and temporal, and those two Powers, Spirituall and Temporall to be in him Jure Divino: *And that it is to be believed, that there is power in the Church and Pope to chastise (princes) by temporall punishments, if they transgresse Divine and Humane law, especially if it be a crime of Heresie, &c*

All which being well considered by the Deane, and the suffrages of all the doctors being maturely heard; the Faculty reproved, and condemned the aforesaid Propositions, and the Doctrine contained in both the two chapters, *As New, False, Erroneous, contrary to the word of God,*

rendring

rendring odious the Papall dignity, opening a gap to Schiſme, derogating to the Soveraign Authority of Kings, which depends on God alone, retarding the Converſion of Infidels, and Heretical Princes, and diſturbing the publick peace, tending to the ruine of Kingdomes and Republicks, diverting ſubjects from their Obedience due to their Soveraigns, and precipitating them to Faction, Rebellion, Sedition, and even to commit Parricides on the ſacred perſons of their Princes. Dated in *Sorbone* the aforeſaid day and year, and recognized the 4. of *Aprill*, 1626.

By Order of the Dean and Doctors of the aforeſaid Faculty of Divinity in Paris. Ph. Bouvot.

This Cenſure remaineth ſtill in the Regiſter of *Sorbone*, and printed by ſo many Catholick Authors, and yet ſome ſubtile wits will perſwade us, that they are but the inventions of ſome malicious Hereticks.

The Decree of the whole Univerſity of *Paris*, made by the Rector, Deans, Proctors, and Batchellers of the ſaid Univerſity, in a general Aſſembly had on the 20th of *April* 1626. at the *Maturins*.

IT having been repreſented by the Rector, that the ſacred Faculty of Theology, moved as well by their ardent Zeal and Fidelity towards the Church, his moſt Chriſtian Majeſty, and his Kingdomes; as alſo by the true and perfect love which they bear, to right and juſtice, and following therein the illuſtrious examples left by their Predeceſſors in like caſes, upon mature examination of a certain latine book, intituled, A Treatiſe of Hereſie Schiſm, Apoſtacy, &c. and of the Popes power in order to the puniſhment of thoſe crimes; printed at *Rome*, 1625. *and in the* 30. *and* 31. *Chapters of hereſie, found theſe Propoſitions,* That the Pope may with temporal puniſhments chaſtize Kings and Princes; depoſe them and deprive

prive them of their Estates and Kingdomes, for the crimes of heresie, and exempt their Subjects from the obedience due to them, and that this custome hath been alwayes practised in the Church, *&c. and therefore had by a publick, just, and legal sentence on the fourth of* April, *censured these Propositions of that pernicious book, and condemned the doctrine therein contained, as new,* false, erroneous, contrary to the Law of God, rendring odious the Papal dignity, opening a gap to Schism, derogative to the soveraign authority of Kings, which depends on God alone, retarding the conversion of Infidels, and heretical Princes, disturbing the publick Peace, tending to the ruine of Kingdoms, and Republicks, diverting Subjects from their obedience due to their Soveraigns, and precipitating them into faction, rebellion, sedition, and even to commit parricides on the sacred Persons of their Princes.

The Rector, Deans, Proctors, Batchellers, and whole University, have made this Decree; That the sacred Faculty of Theology *ought highly to be commended for having given a judgement so pious, so religious, so wholsome, against so wicked and dangerous a doctrine; for having so opportunely held forth to the whole Church, but especially to all* France, *the clear light of antient and orthodox doctrine; for having so gloriously followed the illustrious generosity of their Predecessors, and performed a task, not only becoming their particular profession to defend the Truth, but also deserving the imitation even of the whole University it self.*

And to obstruct altogether the very entrance of this new and pernicious doctrine, and cause all those, who now are, or hereafter shall be Members of this University, or merit promotion to any degree therein, to remember for ever, to form and regulate their opinions according to the judgement pronounced by that sacred Faculty; and keep at utmost distance from the doctrine so justly proscribed, and that every one in particular may fly, detect, and abhor it, and as well in publick, as private, combate, confute, and convince its falsity: They

do decree, that in the next solemn procession, as also annually in the assembly for the procession general, immediately after opening the Schools, in the month of *October*, this censure shall publickly be read by the Proctor of the University (the first business, nothing to intervene) and recorded in the Registers of each Faculty, and Nation; and that two copies hereof written and signed by the Clerk of the sacred Faculty of *Theology*, shall be kept in the common Records of the University, and the like number be sent as soon as may be, to all Superiours of Colledges, and Houses, to the end all possible care and diligence be used to secure all those who frequent, or reside in the said Colledges, from the corruption and poyson of this pernicious doctrine: and that they never give way that any Person whatsoever presume to say, or do any thing contrary to what has so wisely been determined and ordained by that sacred Faculty.

If any Doctor, Professor, Master of Arts, or Scholler, resist and disobey, or go about in any sort by word or writing, or any cause or pretence whatsoever, to offer, at the least attempt, or make the least opposition against this so laudable and legal a censure, let him for a note of infamy, and ignominy, be expelled and deprived of his degree, faculty, and rank, by a sentence that may for ever cut off all hope of admittance.

Quintain Scribe of the University.

This Act is registred in *Archivio Universitatis*, though some would perswade us, that it is but the invention of some Hereticks, and afterwards recalled, or the censure of some part of the University, and not of the whole body, or some such dreams, against the real experience, and daily practice of *France*; yet let us hear the testimony of *Cramuel*, a most learned *Spaniard* and Divine, Doctor of the University of *Lovane*, now a Bishop, and a particular friend of the Jesuites. His words in *Theologia fundamentali*

*fundamentali num.*2091. are these; *Principes Austriaci, sub quibus vivimus, non Catholici tantum, sed pii sunt, & sibi summam injuriam fieri putant, cum temporalia juxta leges Canonicas dijudicamus: Et Galli, qui Christianissimi sunt, & Ecclesiæ Romanæ primogeniti, manu mancipii publici (sic carnificem appellant) igni mandant quoscunq; libros, qui docent reges in temporali rerum gubernatione subesse Ecclesiasticis canonibus, ut videre est apud Bartholomeum Gramundum in historia Ludovic. 13. ad annum 1626. pag. 633. ubi videbis immunitati politicæ contra immunitatem Ecclesiasticum, Parliamentum Parisiense, Sorbonam, clerumque Gallicanum, & patres Jesuitas Gallos subscripsisse.* The Princes of *Austria* under whom we live, are not only Catholicks, but also devout; and yet they think themselves most offended, if we judge their temporals according to the Canon Law. And the French, who are most Christian, and the elder children of the Roman Church, command, that all books teaching Kings to be subject to the Ecclesiastick Canons in the government of their temporal affairs, be burnt by the publick Slave (or as they call him, the Hangman) as may be seen in *Bartholomeus Gramundus*, in his history of *Lewis* the 13. *Anno* 1626. pag. 655. where you may see, that the Parliament of *Paris*, *Sorbone*, the Gallican Church, and the Jesuites have subscribed to the politick immunity against the Ecclesiastick immunity; (that is, that Kings are not subject to the Church in temporal affairs.)

Whereby you see, that *Gramundus* this very year in his French History, as also the Spanish and learned Doctor do justifie all those Acts both of *Sorbone*, Jesuites, and of all the Gallican Church to be true; and yet some wise Spirits will perswade us, they are but dreams or fancies invented by Hereticks.

The Decree of the Parliament of *Paris* against the book of *Suarez* in his Answer to King *James*, 27. *Junii*, 1614.

THe book of Suarez *printed this year in* Colen, *being seen in the grand Court of the Chamber criminal, and Edicts, called* Franciſci Suarez Granatenſis, &c. *against the errors of the Engliſh Sectaries, wherein* lib. 3. c. 6. 13 *and* 29. *he writes many Propoſitions contrary to the Supreme powers of Kings ordained by God,* &c. *which all being conſidered, the aforeſaid Court declared, and declareth, the Propoſitions in the aforeſaid book to be* ſcandalous, ſeditious, tending to the everſion of States and Kings, and inducing their ſubjects, and others, to attempt againſt their ſacred perſons. *And the words mentioning King* Ludovicus *and* Philippus Pulcher, *to be* very falſe and calumnious. *Therefore did, and do decree, that the aforeſaid book of* Suarez *be burnt by the Miniſter of the ſupreme Juſtice in* atrio palatii.

Forbidding alſo and interdicting all Book-ſellers and Printers, not to print, ſell, divulge, have, retain, or diſpute in Schools, the aforeſaid Maxims or Propoſitions.

Jeſuites. *It is alſo decreed, that the Fathers,* Ignatius Armandus *Rector in this City,* Cottonus, Frontonus, *and* Sirmundus *be commanded to appear in Court, at our firſt meeting, and to let them know, that* Suarez *his book was printed againſt the Declaration and Decree of their General, and was brought to this City againſt the Kings authority, and the ſecurity of his Perſon and State. And that it is to be injoyned unto them, that they cauſe the aforeſaid Decree to be renewed by their General, and publiſhed, and within three months, to preſent an authentick example thereof, and to beware that no books containing ſuch damnable and pernicious Propoſitions, be written or printed by any of the Society hereafter: and that they ſhall be bound, that in their publick Sermons, they exhort the people to the contrary doctrine, otherwiſe the Court ſhall proceed againſt the tranſgreſſors hereof, as againſt traitors, and diſturbers of the publick peace.*

Another

Another Decree

Of Parliament, Anno 1610. 26. Novemb. *against the book of Cardinal* Bellarmine, *called*, Tractatus de potestate summi Pontificis in rebus temporalibus, *written against* W. Barclaius.

THis book being accused in Parliament by *Ludovicus Servinus* the Kings Advocate, & by *Ludovicus Duretus*, as containing many false Propositions, prejudicial to the Kings Power and Authority, and especially, *that Popes have temporal power indirectly*.

"The Parliament decreed, that none under pain of "Treason should receive, keep, print, or sell the afore-"said book, containing a false and execrable Propositi-"on, tending to the evertion of the Supreme powers "ordained by God, and stirring Subjects to rebellion, "and to withdraw themselves from the government of "their Princes, and to attempt against their Persons and "States, and disturbe the whole tranquillity and publick "quietness of the Republick.

"Therefore all such as have any of the aforesaid "books, or know where they be, are commanded to in-"form immediately the Judges of Court, that their "Substitutes may inquire and punish justly the Delin-"quents.

"Its also commanded under the same pain of Trea-"son, that no Doctor, Professor, or any else, shall in "Schools or otherwise, directly or indirectly, teach or "maintain the aforesaid Proposition; and this De-"cree to be published, communicated, and executed, *&c.*

Out of all which you may now clearly see, how well grounded our Allegiance is, and how warranted by Divines, Universities, and Catholick States; so that the only difficulty is, not whether our Allegiance be lawful

and

and just, but whether the contrary doctrine be safe at all in conscience, or rather *erroneous, scandalous, and contrary to the Word of God*, as the French do maintain.

All which notwithstanding, we find some (I know not by what interest or spirit carried) who do not only content themselves with a probability contrary to ours, but would have their probality (not only in this Question, but in many others) as an Article of Faith, and our opinion no better then heresie: yet this much I may lawfully say, and prove, that no Sects or Sectaries in the world, or at least within the Brittish Empire, are more prejudicial to Catholick Religion, then such as do teach, preach, or maintain, as points of Faith, "that Popes "may depose Soveraigns in some cases; that Popes are "infallible; that the Bishop of *Rome*, as Bishop of that "Sea, is head of the Church; that new Revelations must "be admitted; or such like Points, neither by Scripture nor Tradition, ever descended from Christ, but only in Schools disputed. Such (I say) are enemies to God and Religion, disturbers of the Church, and of the Catholick Unity, new Gospellers, and no better then Hereticks; for no lesse do they belye the divine Revelation, who deny the truth revealed, then they that forge a false Revelation: Or if they do not maintain those Articles as points of Faith, but only as probable or problematical, to what purpose then do they begin such stirrs, raise such contradictions, & cast such scruples into mens brains, most prejudicial to unity, and quietness, as if the contrary opinion had been suspected, or dangerous, which at least is probable, and safe in conscience, as the most learned of the adverse party do confesse.

Confirmed

XI.

Confirmed by Catholick Histories of all Nations.

FIrst, by Cardinal *Benno* in his Historie *De Vita & gestis Hildebrandi*, where he holds the doctrine of *Gregory* the 7th. *cap. Nos Sanctorum* to be *erroneous in faith.*

By *Sigebertus Gembalcensis ad annum* 1080.

Anonymus in vita Henrici 4.

Philippus Comminæus de gestis Ludovici 2. *&* 3. *Item de gest. Caroli* 8. *c.* 49.

Vincentius Belvacensis spec. hist. l. 26. *c.* 84.

Otto Frisengensis l. 7. *in prol. hist ep. ad Frederic. Oenobarbum.*

Conradus Urspergensis in Chron. Conradi Imperat. & Henrici 3. *&* 4.

Guntherus Ligurinus de gestis Fredericil. 6.

Dantes Aligherius de Monarchia l. 3.

Helmoldus in chron. Sclavon. c. 33.

Petrus de Flote nuncius Philippi Pulchri ad Bonifac. 8. *apud Walsingam. in Hypodigm. Et apud Florilegium ad annum* 1301.

Theodoricus à Niem Episcopus Verdensis de Scismate l. 3. *c* 7.

Wernerus Rolewink in Fascic. temporum ad annum 1294. *de Bonif.* 8.

Albertus Krantzius Saxoniæ l. 8. *c.* 36.

Robertus Gaguinus de gest. Francor. in vita Philippi Pulchri & l. 10. *in Carolum* 7.

Joannes Aventinus in Annalibus Boiorum l. 5.

Joannes Cuspinianus in Henricum 4. *Imperat. & Frederic.* 2.

Franciscus Guicciardinus Patritius Florentinus in Paralipom. loco 2.

Joannes Trithemius chron. Hersaug. ad annum 1106.

Mattheus Westmonasteriens. in Histor. Anglicana per totum, maxime in Edward. 1.

Walsingamius in Histor. Anglic. in eundem p. 53.

Pithovius de libert. Gallicana per totum.

Bartholomeus Grammundus in histor. Ludovic. 13. *ad an.* 1626.

Ludovicus

Ludovicus Cabrera in Philip 2. c. 22.
Franciscus de Pisa decanus Facultatis Toletanæ l. 1. c. 29. & l. 4. c. 4. de Scriptorib. Tolet.
Onuphrius Panvinius in vita Gregorii 7. edita per Gretzerum.
Waldesius Auditor Granatens. l. de dignitate regum Hispan. c. 22.
Thomas Morus in Expositione passionis de amputata Malchi auricula.
Thuanus 3. par. Histor. ad annum 1569.
Joannes Tilius in chron. de regib. Francor: ad an. 1302.
Marcus Sanutus Torsellus l. secret. fidel. crucis 3. n 12. c. 15.
Papyrius Massonus de Episcop. urbis l. 5. in Bonifac. 8.
Pandulphus Collenucius in Histor. Neapol. l. 4.

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So that we may lawfully say, that this was alwayes the doctrine of the universal Church till now of late, notwithstanding what Cardinal *Peron* saith to the contrary. But least some enemies of Loyalty, to breed dissention in the Kingdome, or to divert the loyal Subjects from their duty, and Allegiance, to their own ruine and confusion, should in private discourses, or otherwise, misinform some

some weak or ignorant spirits, that the Councels, or Authorities by us quoted, are forged, condemned, recalled, false, or such like; here I sit in *London*, and defie any will appear publickly, or by the Presse, to justifie this Imposture. Whatever here I write for the settlement of Peace and Religion, I speak above boord, and will maintain it to the least word, hoping in the interim, that none by such unquiet spirits shall be seduced. And as for censures at home, or abroad, I care not much, so I offend neither *Truth*, *Justice*, *nor Conscience*. Reason I give; Reason I expect: and therefore from Authorities will passe to Theological Reasons.

XII.

Confirmed by Theological Reasons.

I.

NO power may in any case extend it self, directly or indirectly, beyond its whole limits and sphere.

But temporal actions (and consequently the deposition of Soveraigns) are beyond the whole limits and sphere of the spiritual power, even *indirectly*; as appeareth clearly by the Scriptures above mentioned, *Luke* 12. *John* 18. 2 *Cor.* 10. 2 *Tim.* 2. And by the Fathers above related.

Therefore no spiritual power may in any case, directly or indirectly, extend it self to any temporal action; and consequently, not to the depositon of Soveraigns.

II.

If spiritual, or temporal powers be any way, directly or indirectly, judges or Superiours to Soveraigns in temporal affairs, then there may be an Appeal made from Soveraigns to that spiritual, or temporal power, as for example, to Popes, or to Subjects; and so Soveraigns are no Soveraigns, or Supreme powers at all; but Popes, or Subjects alone: for a Supreme power is that, beyond

which there is no higher, or from which there is no Appeal in that order or degree to another.

But certainly there can be no Appeal made in temporal affairs or debates from a Soveraign to any spiritual or temporal power: for first, the spiritual and Apostolical power it self appealeth rather in temporal debates to the Soveraign, as we find *Act.* 15. by the Appeal of *Paul* to *Cæsar*; and by the submission of *Christ* to *Pilate*, as to a heavenly power, *John* 19. And as for the temporal power, its fully and *jure divino* subject to the Soveraign, *Rom* 13. and 1 *Pet.* 2.

Therefore neither spiritual, or temporal power, Popes, or Subjects, may any wayes, directly or indirectly, be Judges, or Superiours to Soveraigns in temporal affairs: Or we must necessarily admit, that in the same case or debate, Soveraigns are Soveraigns, and not Soveraigns: *Cæsar* superiour to *Paul*, and *Paul* to *Cæsar*: Subjects, Judges of their Princes, and Princes of their Subjects; which is a clear contradiction.

III.

Popes, or Subjects have no greater power in later ages, then they had in the primitive Church; or then the high-Priests had in the Law of *Moses*; or Christ and his Apostles in the Law of Grace.

But neither Pope, or Subjects in the primitive Church had any power, directly or indirectly, to depose Soveraigns in any case at all; because Popes then, as well as others, were bound *jure divino* to honour and obey their Kings, as aforesaid. And the Priests in the old Law could no way at all intermeddle with temporal affairs, 2 *Paralip* 19. Neither Christ, or his Apostles in the new Law, *Luke* 12. *Joan.* 18. and 19. *Rom.* 13. 2 *Corinth.* 10. 2 *Tim.* 2.

Therefore neither Pope, or Subjects now in later ages have any power, directly or indirectly, to depose Kings or Soveraigns.

IV.

IV.

Whosoever is subject to God only and immediately in all temporal affairs and concernments, may not directly or indirectly be judged, punished, or deposed from his temporalities, by any else, but by God alone; for to judge, punish, or depose, are acts of superiority and jurisdiction.

But Soveraigns are subject to God only, and immediately in all temporal affairs and concernments, as appeareth by the Fathers above mentioned; and by the Scriptures, *Dan.* 4. *Osea* 13. *Psal.* 50. *Rom.* 13. 1 *Pet.* 2.

Therefore Soveraigns may not directly or indirectly be judged, punished, or deposed from their temporalities by any else, but by God alone.

V.

Neither Pope, Subject, or Church, may directly or indirectly dispense, or dissolve the bounds tyed by God: otherwise the tye and obligation of Matrimony had been as well subject to humane dispensation.

But our civil obligation to obey our Soveraign in all temporal affairs, is a tye *jure divino* obliging all Subjects, spiritual and temporal, *Rom.* 13. 1 *Pet.* 2. as well as the tye of Matrimony, 1 *Cor.* 7.

Therefore as the Pope, Subjects, or Church may no way directly or indirectly dispense in this tye of Matrimony, so neither can they in the obligation of our civil obedience to our Soveraign.

VI.

The Popes power over the whole Church, is no more *juris divini*, then the Bishops power over his Dioceſs; or the Pastors over his Parish, during his being Bishop or Pastor, as *Bellarmine* himself teacheth *l.* 5. *de Rom pont. c.* 3. For he that said to *Peter* and his Successors; *Feed thou my flock*; *and whatsoever thou shall bind upon earth, it shall be bound in the heavens*: the same said to the Bishops and

Paſtors, *govern the Church of God wherein the holy Ghoſt hath placed you: Feed the flock of God that is among you: and whatſoever you ſhall bind upon earth, it ſhall be bound in heaven.*

But this notwithſtanding, the Biſhops can in no caſe directly or indirectly deprive a Dioceſian of his temporal eſtate, as the Paſtor may not a Parochian: otherwiſe the condition of all eſtated men had been moſt dangerous.

Therefore the Pope in no caſe directly or indirectly, may deprive Soveraigns of their temporal Eſtates, or Kingdomes, if their condition be not worſe, then that of their private Subjects.

VII.

In a debate of an eſtate twixt two parties, the one having both probability of juſtice, and quiet poſſeſſion for himſelf; and the other, probability only; it is not probable in this caſe, that the firſt may be deprived of his poſſeſſion, notwithſtanding the pretence of a contrary probability for the ſecond; becauſe *in pari cauſa melior eſt conditio poſſidentis.*

But Kings before their depoſition, are in quiet poſſeſſion of their Kingdomes, and (at leaſt) with a probability (if not certainty) that in no caſe, directly or indirectly, they may be deprived of their Kingdomes by Pope, or otherwiſe; as hitherto we have clearly convinced.

Therefore it is not probable, that Kings in any caſe, directly or indirectly, may be depoſed of their Kingdomes, by Popes, or otherwiſe, notwithſtanding the pretence of a probability for the contrary opinion.

VIII.

Either our Adverſaries do believe *fide divina*, or as a point of faith, that the Pope, or ſpiritual power may depoſe a Soveraign in ſome caſe, directly or indirectly, and then they are flat Hereticks for believing *fide divina*, an Article

Article never revealed by God: or if revealed; then all the aforesaid Fathers, Popes, Cardinals, Councels, Universities, States, Kingdomes, *&c.* must be Hereticks, and consequently the body of the whole Church, for teaching, and maintaining the contrary: Or if they do not believe *fide divina*, that the Pope, or spiritual power may in any case directly or indirectly depose a Soveraign, but onely doe maintain it as a probable opinion, then they say nothing; for their probability is overballanced by a contrary probability and possession together, as aforesaid: Besides, that herein, they are meer seducers, perswading the ignorant, as if their doctrine should be *defide*, obliging all in conscience; and ours heretical, or suspected of Heresie.

IX.

In this our Allegiance are two points to be considered. First, that Subjects notwithstanding any Deposition, Censure, or Command, made, or to be made by the Pope against their Soveraign; yet they will bear Faith and true Allegiance unto him: And this is *questio facti*.

Another point, That the Pope can in no way depose their Soveraign, or Command his Subjects from their Allegiance: and this is *questio juris*.

The question then is, if it be lawfull for a subject to swear and declare the first part, which is *facti*; why may he not the second, which is *juris*? For if in case the Pope should *defacto* depose a Prince, and command his Subjects not to obey him, the question is, whether that command be any way obliging or valid: or alwayes invalid? If any way valid; then the first Oath *in questione facti*, that the subjects will not by vertue of any Command, or Censure, obey the Pope, but rather stick to their Soveraign, is unlawfull, sinfull, temerarious, scandalous, and exposed to schisme. But if the Popes command be always invalid, then the Pope can no way depose a Prince, or command Subjects to forsake their Allegiance (which is our Doctrine) and so *questio juris* is involved *in questione facti*.

facti. Why then should any scruple at this part of the Oath, which is *juris*, and not at the other which is *facti*? Or why in matter of this importance should any fear, equivocation, or reservation intervene, but plain dealing, which is always most necessary in matters of Loyalty and Religion?

X.

It is a maxime amongst Divines and Canonists, that a doubtful, or contradicted power, is never sufficient to oblige any in conscience, or to ordain penal Laws, Decrees, or Statutes, *cum damno tertii*: and therefore the party interessed may alwayes except against any such Command, Law, Decree, or Statutes, as void, null, and proceeding from an uncertain power.

But the Popes power in deposing Kings directly or indirectly, is a doubtfull and controverted power, which many more deny then affirm, and his deposition is a penal decree *cum damno tertii*.

Therefore that power can oblidge none in Conscience; and against such depositions, Kings, Subjects, and interessed parties, may alwayes except, as void, null, and proceeding from an uncertain power.

XI.

Our Adversaries tells us, that there be two Powers for deposing men of their right; one direct, an other indirect; and that Popes can never depose Kings directly, but onely indirectly, in as much as the King commits an act, whereunto sin or crime is annexed, and then I argue thus:

Kings may not be deposed by any groundlesse or chimerical power, however ingeniously invented by novelty, speculation, or Methaphisical precisions.

But the power of Deposing Kings indirectly, is a groundlesse chimerical power, if there be any direct power at all for depositions, (or if not, there can be no indirect) for none in this world may be deposed from his right or possession without committing an act whereunto some crime is not annexed.

Therefore there is no power for deposing any at all directly;

rectly; or none (whether King or Subject) may be deposed of his right and possession by any indirect power.

XII.

Soveraigns have as much power to their temporalities, as Popes to their Spiritualities.

But notwithstanding this, Kings may in no case directly or indirectly deprive a Pope of his Spiritual power, though intrenching on the Temporality of the Soveraign; but onely may punish him temporally, even as our Adversaries do confesse.

Therefore the Pope may in no case directly or indirectly deprive a King of his temporality, though intrenching on the Popes Spirituality, but onely may punish him spirirually, as our Adversaries should confesse.

XIII.

There is nothing more injurious to Popes, and to Catholick Religion, then to render both, odious and suspected to King, and Magistrates (especially of a different Religion) as being dangerous to Crowns and States, and inconsistent with the safety of their Kingdomes and Persons.

But the contrary doctrine of the adverse party, rendreth Popes, and Catholick Religion odious, and suspected to Kings and Magistrates, not onely of a different Religion, but also of the very Roman Religion, (in *France* and elsewhere) as being dangerous to their Crowns and States, and inconsistent with the safety of their Kingdomes and Persons.

Therefore nothing is more injurious to Popes, and to Catholike Religion then that doctrine of the Adverse party.

XIV.

If it be allowed that Popes may depose Heretick Kings for the crime of Heresie, or tyranny, (as our adversaries would have) why may they not depose as well Catholick Kings

Kings, in cases of other publick crimes, infecting in the same degree, more or lesse the Republick, or destroying the common-good. For the Apostle 1 *Corinth.* 5. 11. *Commandeth us to avoid as well Fornicators or Coveteous Princes, as Heretick*: Or, why may not the Pope declare this as well as that of Heresie? As for example, in cases of publick oppressions or Injustice, extraordinary Taxes, breach of Faith, of Priviledges, or Immunities of the Church, laying Hands on Prelates, or in any case of *Bulla cœnæ*, or if Kings will ordain bad laws, or approve, or not correct publick sins, as Usury, Simony, Adulteries, Duels, unlawful Wars, *&c.* whereby the Common-wealth may be as well infected, destroyed, or scandalized, as by Heresie? Nay in cases of no sin at all, as of the inhability of a Prince in time of publick Necessity, or Invasion? For as our Adversaries tels us, The Pope may doe whatsoever is necessary for the preservation of the Church.

But surely in those cases, Popes may not, directly or indirectly, depose Soveraigns or Subjects, otherwise none, either Prince or private man can be secure of his Estate, if not a Novice well guarded within the moddle of discipline and honesty.

Therefore Popes may not directly, nor indirectly depose Kings in case of Heresie or Tyranny.

XV.

There is no ground or reason why the Pope or Spiritual Power, may not as well force and command Kings to receive in their Kingdomes the Councel of *Trent*, or *Bulla cœnæ*, in temporal or mixt matters, (if they judge it necessary for the common-good of the Church) as they may depose Kings, and command their Subjects from their Temporal Allegiance, under pretence of the common good, or necessity of the Church.

But notwithstanding all their endeavours hitherto, they could never directly, nor indirectly force *France*, *Spain*, or *Germany* to receive the Councel of *Trent*, or *Bulla Cœnæ* in temporal or mixt matters; and that, because

Kings

Kings do not acknowledge temporal causes to be within the sphere of the spiritual Power.

Therefore there is no ground or reason why a Pope or spiritual Power should directly, or indirectly depose Kings, or command Subjects from their temporal Allegiance under what pretence soever.

XVI.

If you look either on Nature or Art, Reason or common Law; you shall finde these two maxims: *Accessorium sequitur principale. Judex sequitur forum Rei. Actio proportionatur agenti.* That is, the accessory followeth the principal. The judge followeth the defendants tribunal; and the action is proportional to the agent; that is, if the action be temporal or spiritual, the agent must accordingly be temporal or spiritual.

But in our present case, the spirituality, or sin is but an accessory joyned to the temporal cause or thing: And Kings in cases of deposition, are Defendants: And the Deposition it self is a temporal action, as the Election of Kings is, and no way spiritual.

Therefore according to Reason and Law, nature and art, the cases of Deposition belongeth rather to the temporal power and judicature, then to the spiritual. (And whereas Soveraigns are subject to no temporal power on earth: Its clear that no power on earth may depose Soveraigns, but God alone.)

XVII.

Christ our Saviour, neither by word or example ever left unto Popes that Mahometical principle, as to plant or maintain Religion by force or sword; *Whereas the weak things of the world, hath God chosen to confound the strong,* 1 Cor. 1.

But to depose Soveraigns directly, or indirectly for cases of heresie, is to maintain Religion by force or sword, without which, that deposition is never made.

Therefore Christ our Saviour, neither by word nor example, ever left to Popes, any such Mahometical principle or power.

XVIII.

It is the clear Doctrine of Scriptures that all powers are orderly from God, *Rom.* 13. And that there is a temporal Judicature of *Cæsar*, to which St. *Paul* appealed, *Act.* 25. and of *Pilate*, which Christ himself aknowledged to be from God, *John.* 19. Moreover, that between the Spiritual and Temporal power, there be certain bounds, and limits assigned by God: 2 *Paral.* 19. and *Mat.* 22. to the end; that the one should not entrench upon, or confound the other; otherwise Powers had not been orderly from God.

But if all such causes as have spirituality joyned to them, had any way directly or indirectly concerned the spiritual power, or *forum Ecclesiasticum*, then all causes, debates and controversies of the world should concern the spiritual power, or *forum Ecclesiasticum*, and so no order between both powers; neither were the temporal Judicature to any use or purpose at all (and consequently not from God) neither any bounds or limits assigned by God betwixt both powers.

Therefore according to the clear doctrine of Scriptures, temporal causes or debates, notwithstanding the spirituality annexed unto them, as sin or vertue, can no way concern the spiritual power; and consequently that indirect power of Popes to depose Kings, is to no purpose at all.

XIX.

Whosoever condemneth the doctrine of the Holy, Ancient Fathers, Popes, Catholick Councels, Universities, States, Kingdomes, &c. or censureth, or disturbeth their followers, and maintainers, is injurious to Popes, and to Catholick Religion; and is consequently a disturber of the common Peace.

But the late Irish Allegiance, acknowledging that Soveraigns in no case may be deposed by Popes, or by any other

other spiritual power, is the doctrine of all holy ancient Fathers that ever write of this subject, and of all ancient Popes, Councels, Universities, Kingdoms, States, *&c.* as we have formerly seen.

Therefore whosoever condemneth this Allegiance, or censureth, or disturbeth the maintainers thereof, is injurious to Popes, and to Catholick Religion; and consequently a disturber of the common peace.

XX.

Whosoever believeth *fide divina* any thing which is not revealed by God, according to the Tradition of ancient Fathers, is a superstitious Heretick, for he belyeth the divine Revelation. Whosoever attributes to the Pope any power odious to Soveraigns, if not upon certain and clear grounds, is most injurious to Popes, and to Religion.

But to believe *fide divina* (as some it seems do) that Popes may any way, directly or indirectly, depose Soveraigns, was never revealed by God, nor taught by the tradition of ancient Fathers, but rather the contrary, as we have seen: and is most odious to Soveraigns, and warranted by no certain or clear ground.

Therefore none believeth *fide divina*, such doctrine or power in Popes, but a superstitious Heretick, most injurious to Popes and Religion: (Or if it be not believed *fide divina*, how then can any be forced, censured, or commanded to imbrace a doctrine only probable? or not to maintain the contrary, grounded upon so many authorities and reasons?

XXI.

Cardinal *Bellarmine* (chief Leader of the adverse party) confesseth *l.* 5. *de Rom. pont. c.* 3. that Popes have no *direct* power in temporal affairs, and therefore may not depose Soveraigns directly, *because this direct power cannot be warranted either by Scriptures, or by Apostolical tradition.* For (quoth he) that absolute power given to

S. *Peter*, *Matth.* 16. to bind and loose, is in order to spiritual things only, and not to temporal: and this, our second chief Antagonist *Suarez* doth confess, *tom.* 5. *disp.* 1. *sect.* 2. *n* 3.

But the power of deposing Kings *indirectly*, can be no more warranted by any places of Scriptures, or by any Apostolical tradition, but rather the contrary, as hitherto we have seen.

Therefore according to *Bellarmines* principle, Popes have no indirect power in temporal affairs, nor to depose Soveraigns, more then direct power.

XXII.

There can be no other reason or authority alledged, why Popes may in any case depose Soveraigns, but that he is chief Pastor and Governour of the Church, and therefore may use all means necessary for the Churches preservation, and consequently depose Soveraigns, if this be necessary for that end, as *Bellarmine* teacheth, *l.* 4. *de Rom. pont. c.* 1. and 5.

But this reason is nothing satisfactory, otherwise Popes may murder a Soveraign, or dispense with a private Subject to kill his Prince, in case the Pope will judge this as well necessary for the preservation of the Church, as the deposition: and yet no Christian will allow of this, as aforesaid.

Therefore no Christian should allow that Popes may in any case depose Soveraigns.

XXIII.

Bellarmine and the adverse party do teach, that Popes may in no case depose infidel Princes, how bad soever they be, for the Apostle saith, *What is it to me to judge of them that are without*, 1 Cor. 5.

But Christian Princes have as much right to their Kingdomes, as Infidels have, otherwise saith *Bellarmine*, *l.* 5. *de Rom. pont. c.* 3. Christianity had been dangerous and odious to Infidel Princes, if by Christianity

stianity they had been lesse secure of their Kingdomes, then before.

Therefore according to *Bellarmines* Principles, Christian Princes, how bad soever they be, may in no case be deposed by Popes, no more then Infidels.

XXIV.

And hence I argue further thus. Christian Princes are of no worse condition then Infidel Princes were, otherwise Christianity had been dangerous, and odious to Infidel Princes, as aforesaid.

But Popes in times past, could no way depose Infidel Princes, how bad soever they were, because they were *jure divino*, bound to honour and obey them, *Rom.* 13. 1 *Pet.* 2. and no subject may depose his lawful Superiour, especially ordained by God.

Therefore Popes now can in no way depose Christian Princes, how bad soever they be, as (according to our Adversaries) he may not Infidel Princes.

XXV.

It is commonly supposed, and expressly confessed by Cardinal *Peron* in his Oration *p.* 107. speaking of tyrant Kings; that it is lawful to kill a tyrant of *usurpation* by all manner of wayes; though not a tyrant of *administration*.

But if the Pope may in any case depose a King of all his temporal rights, and discharge his Subjects from their allegiance, then such a King if afterwards by force of arms, pretending and maintaining that, which by right he lost, is a tyrant by usurpation; (for usurpation is nothing else but force without right.)

Therefore such a King may be lawfully killed by all manner of wayes, which yet the Cardinal, and all Catholicks do condemn: or certainly the Pope in no case may depose Kings.

XXVI.

The Pope and Emperour in the universal Church are

(as to our purpose) no more then a Bishop and Governour in a particular Town.

But the Bishop no way, directly or indirectly, can depose the Governour at all, as our Adversaries must confess, and experience will approve.

Therefore the Pope no way, directly or indirectly, can depose the Emperour in any case at all.

XXVII.

Neither Pope, or Subjects may any way change the Fundamental Laws of Kingdomes: or invert the Law of Reason, and Nature; for powers are given unto edification; and not to destruction, 2 *Cor.* 10.

But to depose, or bear armes against an absolute Soveraign, whose rights are not by covenant, conditions, limitations, or elections, but by conquest, descent, blood, and free admission of Subjects, even in the first establishment of his Monarchy, is against the fundamental Laws of Kingdomes (and especially of *England*) and against the Law of Nature and Reason. 1. Because Subjects may no way be competent Judges of their absolute Soveraigns in any case. 2. Because Insurrections against Soveraigns, under what pretence soever, disturbeth the whole Commonwealth, and the publick peace and quietness of all Subjects, and exposeth all States, and Kingdomes to manifest dangers, by the ambition of violent and discontented spirits, aiming at nothing else, but at their own interest, though outwardly carried by pretence of Religion, Liberty, or Justice, as by experience we have often found.

Therefore neither Pope, nor Subjects may any way depose, or bear armes against an absolute Soveraign, whose rights are not by covenant, conditions, limitations, or elections; but by conquest, descent, bloud, and free admission of Subjects (as our Soveraign of great *Britain* is.

XXVIII.

*S*ubjects may never revoke, or call back in any case, that which once freely and lawfully they have renounced, and bestowed on an other: For when subjects bereaveth themselves of their former power or lands, and transfer it by publick & lawful Authority upon an other, without any reservation, restriction, or limitation, then can they never recall it; otherwise all covenants, transactions, and contracts had been to no purpose.

But in the first establishment of an absolute and independent Monarchy, subjects have freely and lawfully renounced all their power and rights of judging, determining, defending, or offending; and bestowed it on their absolute Monarch: for in this, the essence of an absolute Monarchy doth consist.

Therefore *S*ubjects may never revoke or call back in any case that power of judging, determining, defending, or offending: and consequently may never judge, or depose their absolute *S*overaign.

All this notwithstanding, its fit (though against our Method and intended purpose) to listen a while to our adverse party, pleading for themselves, and especially to our most eminent, and most learned Cardinal *Peron* in his Oration to the Commons of *France* in a General Assembly of that Kingdome.

A brief Advertisement to the Reader concerning Cardinal *Perons* Oration, and Objections.

I Am not ignorant what Objections are, or may be made to the contrary, either from reason, authority, or examples; but my scope being not at present to enlarge my self (till further command, or provocation) be-

beyond the prefixed method; I shall humbly desire in the interim, to be excused, untill the question be more fully debated; or at least, that I may see what it is, I must answer.

As to our most eminent and most learned Cardinal *Peron*'s Objections (a Prelate whom I honour much as a miracle of his age, and whose Oration to the House of Commons in *Paris*, concerning this question in hand, layeth now, as I heare, under the English presse) I must in the first place advertise the Reader, least ignorance or partiality should prevent his judgment, that the Cardinals whole drift is, not to render our doctrine any way unlawfull, or suspected to any, but to vindicate the contrary opinion from the blemish of Heresie, whereby it was censured by the House of Commons at *Paris*, and to shew that it was beyond the sphere of Secular Authority to define any point of Faith or Heresie. And to this purpose, he produceth in his Oration as many Arguments and examples, as indeed could be alledged for the lawfulnesse or probability of that contrary opinion: not that they convince any thing *de jure* (as the Cardinall himself confesseth) but to shew (as I have said) the probability of that Doctrine, and thereby to divert that House and Parliament from censuring it as Heretical. This being the Cardinals scope and whole drift, its plain he intends nothing against the lawfulness of our Doctrin, nor makes himself any other way party against us, but onely debates the question on both sides, and concludes that in his judgement both opinions are lawfull and just: Yet least any should miscarry in this case, or be transported by the force of his Arguments against his intent, and our doctrine, grounded on so many reasons and authorities; I shall here briefly recapitulate the whole summe of the Cardinals Objections against us, and shew clearly, they conclude nothing to the present purpose.

In the first place (to shew that the deposition of Kings, and the discharging of Subjects from their Allegiance, by the Authority of Popes and Patriarcks, was the custome of the primitive Church, and consequently that

Gregory

Gregory the seventh, in the eleventh Century was not the first beginner of this practise as we alledge) He produceth the example of the *Eutychian* Emperour *Anastasius*, deposed or opposed in the first Century, by *Euphemius* the Patriarch of *Constantinople*, and afterwards by Pope *Symmachus*, and by the Senate of *Rome*, nay by those of *Constantinople* it self; and by the Catholicks under *Vitalianus*, for banishing the Catholick Bishops, for resisting the Councel of *Chalcedon*, and adhering to the *Arians* or *Eutychians*. To which I answer, That neither Pope, Patriach, or any other deposed the Emperour *Anastasius*, but Excommunicated him, opposed and condemned his actions; and it may be his commands and power; but whether this last was lawfully, or unlawfully done, the Cardinal decides not. Besides, that *Anastasius*, when opposed by *Euphemius*, was not as yet in possession of his Crown or Empire, but onely chosen by *Ariadne* the Empereſſe, and by the Senate of *Constantinople*, as the Cardinal himself confesseth: and though afterwards he were admitted to his Crown and possession, yet that was on certain conditions, that he should maintain the Faith of the Councel of *Chalcedon*; wherein failing, he was opposed by Pope *Symmachus*, by the people of *Rome*, and *Constantinople*, and by the Army aforesaid, yet never deposed; and though he were, we should not contest; being onely an Elective Prince, chosen upon certain conditions, and not an absolute Monarch by blood and succession depending upon God alone; and whose Soveraignty is inherent to his very Birth. Whereby its clear, that the example of *Anastasius*, or of any Elective Prince is nothing to our purpose, and much lesse a president for the deposition of any Absolute and Independent Monarch.

And no more is the second example alledged by the Cardinal, of *Justinian* the second, opposed; or of his Deputy *Zacharias*, abused by the souldiers of *Ravenna*; or, that of *Phillipicus* the Emperour opposed by the people of *Rome*; or that of *Clotharius* King of *France*, deposed by

Agapetus; or that of *Charls* the simple King of *France*, threatned by *Foques* Archbishop of *Rhemes* for calling to his assistance the Infidels of *Normandy* against Catholicks: Or that of *Childericus* King of *France*, deposed by Pope *Zacharias*, when the Kingdom was conferred upon *Pipinus*: For all these examples are onely of facts; but whether lawfully done, or unlawfully, the Cardinal himself confesseth, he wil not justify. Besides, that most of his examples are of such Princes as were never Hereticks; or if hereticks; yet were never persecutors of the Church; and therefore according to the Cardinal, and most part of our Adversaries, may not be deposed. However, to satisfie the Reader, I answer to that of *Justinian* and *Philippicus*, that they were never deposed, but opposed; besides that they were no absolute independent Monarchs, more then *Anastasius*, as aforesaid: and therefore their examples are to no purpose. As for that of *Clotharius*, it is certain, that he was not deposed by *Agapetus*, but threatned, that if he did not amend, *France* should be subject to an *Interdict*. As for *Charles* the simple, I say, that the Archbishop went astray, if we do not maintain that every Archbishop, Bishop, or Ordinary of a King, or Kingdome, may as well depose Kings, as Popes may; and not onely Hereticks, or Kings in case of Heresie, (for *Charls* the simple was no Heretick) but in case they call Hereticks or Infidels to their assistance against Catholicks; and then I question the Cardinal, if the King of *France* should invite the *Swead* or *Hollander* against the Emperour or *Spanyard*, whether in this case, and according to the Cardinals principles, his King may be deposed, or his Subjects discharged by the Bishop of *Rhemes* from their Allegiance?

As for that of *Childericus*, I say, the relation is false; if you do not admit that a Catholick King, being neither Heretick, nor persecutor of the Church, nay, nor guilty of any crime at all, may be deposed from his Kingdome. Therefore its more probable what *Aimonius* relateth, that *Childericus* himself being then unable to govern, did resigne: Or that he was but a titular King onely, the Royal power lying still in *Carolo Martello*, Father to *Pipi-*

nus: & therefore the Kingdom then was lawfully conferred upon *Pipinus*. By all which you may see how far from any purpose be those examples alledged by the Cardinal, having not one example before *Gregory* the 7th, whereby he may shew an absolute Soveraign to have been ever deposed by Pope or Patriarch, but onely excommunicated, or debarred from Sacraments, or at the most, opposed, or not obeyed, or declared to have fallen from his rights, the articles and conditions of his Election and Admission being not observed: and such were *Anastatius* Emperour, Excommunicated by *Gelasius*; *Constantinus Copronymus* by *Zacharias*; *Lotharius* by *Nicolaus*; and *Leo Isauricus* by Pope *Gregory*; notwithstanding that the Cardinal would have *Leo* not onely Excommunicated, but also deposed then by the Pope of his Rights, Jurisdiction, and power in *Italy*: yet we shall maintain out of *Gregory's* Letter then to *Leo*, that the Pope never deposed him, but rather did acknowledge him his Soveraign, and crowned by the Ordination of God, as *Gelasius* did *Anastasius*, and *Zacharias* acknowledged *Constantinus Copronymus*, whose Letters herein we prefer to *Theophanes*, *Cedrenus*, *Zonoras*, alledged by the Cardinal, or to any false Greek Authority, more for the prejudice of the Romane sea invented, then for truth or honor: and though we should condescend to what the Cardinal would have us; yet all this had been nothing to our purpose, being not onely a matter of fact, but furthermore, being examples of Elective Emperours, chosen upon certain conditions, which concludeth nothing against Absolute and Independent Monarchs.

And as for the translation of the Romane Empire from the Greeks to *Charlemain*, its certain, that it was never translated, or conferred by the Pope, but by the Romans, when the Greek Emperours failed in their Conditions; though the Pope concurred as chief member of the Romane Empire For how could Popes bestow on *Charlemaine* a power which they had not themselves, being at that time and before for 900. years subject to the Empe-

rours, as other subjects were, and having no further exemption or power in Temporal Affaires, but what the Emperours bestowed on them?

And as for what the Cardinal produceth out of the Councel of *Lateran* under *Innocentius*, 3. *c.* 3. or out of the Councel of *Constance*, *sess* 17. The first deposing (not princes, as the Cardinal quoted) but all such Lords as should not banish Hereticks from their Territories: and the second, deposing any of what degree soever, who should then hinder the journey of *Sigismundus* Emperour to *Spain*; Its easily answered:

First, For all Christian Kings (being then personally, or by their Ambassadors present in those Councels) consented to that Statute; and therefore the deposition here decreed, was by force of the temporal power made, and not of the spiritual, if not *directive* or *conditionate*; that is, if the secular power should approve thereof. And hence it is, that the decree of the Councel of *Trent* for deposing all such as should admit duels within their Lands, is not in force, because it was never admitted or approved by the temporal Power.

Secondly, It is answered, that if those decrees be admitted as our adversaries would have them, then Popes may depose, not onely Hereticks, or tyrants, but also Catholick princes, if admitting Hereticks in their lands, or hindring that journey of *Sigismundus* then to *Spain*, and so depositions to be extended to all publick crimes, if the pope please, which yet our adversaries do not grant.

Thirdly, It is answered that the Councel of *Lateran*, as to this, is doubted by many, as by *M. Parisiensis*, *Nauclerus*, *Godfridus* and *Platina in Innocent.* 3. because that decree of deposing Lords, was never found or registred among the other acts of the Councel for the space of 300. years, untill the time of one *Germanus*, who first inserted this act among the rest of that Councel, grounding himself, not upon any writings of *Innocentius*, but upon some apocryphal manuscript of *Gregory* the 9. & therefore by the Authority of this Councel (which yet is the chief *Achilles* of that party) the Cardinal gaineth nothing.

But

But the Cardinal produceth another strong Instance out of *Gregory* the great, *l.* 11. *cap.* 10. where he ordaineth, that if any King, Prelate, or Judge will diminish or take away any of the Priviledges given to the Hospital of *Autun* by King *Theodorick*, and Queen *Brunechild*, such be deprived of all power and dignity: and therefore in those dayes Popes assumed the power of deposing Kings. To which I answer, 1. That if so, then Kings may be deposed, not only for publick crimes infecting the Commonwealth, or in cases of heresie or tyranny, but also for private delicts, having relation to private Hospitals only, which yet our Adversaries do not grant. 2. That Pope *Gregory* acted nothing here, but by the request of the King and Queen, so that it was rather the act of the King, then of the Pope, though confirmed by the Pope. 3. That it was rather *facti* then *juris*; for the King in his former Decree (presented to the Pope to be confirmed) could not depose his Successors for not maintaining the priviledges of that Hospital, *Quia non habet imperium par in parem*: and in case he could, yet the Popes confirmation was nothing necessary. 4. That this history is suspected by many; for (quoth they) *Gregory* could not have been Pope, when this Decree of *Theodorick* issued, as may be proved by the date of the Decree in the very Original: neither is it probable, that if that Decree, or last Will, had been the Kings, but that some Executor had been therein specified for the due performance thereof; so that on both sides, as to King and Pope, the relation may be lawfully suspected: or if admitted as true, yet the Cardinal concludes nothing to the purpose, as aforesaid.

As for the four Councels of *Rome* alledged by the Cardinal, vii. viii. ix. x. wherein *Henry* the Emperour was deposed by Pope *Gregory* the seventh, and his adherents excommunicated; The Royal Party answered, that these depositions and censures were no act of the Councels, but of the Pope, as may be seen in *Binnius*, and others. Besides that those Councels were particular

Synods,

Synods, not indifferent in that debate, and as probably injuſt, (if any ſuch act they had concluded) as it was probable, that Popes may not depoſe Kings, or diſcharge Subjects from their Allegiance. You ſhall find in that ſeventh Councel, that againſt all ancient cuſtomes ſince *Conſtantine* the great, the Pope commanded under pain of Excommunication, that no King or Emperour ſhould pretend *jus inveſtituræ*, (which was the main Queſtion between the Pope and the Emperour) that is, the right of preſentation, denomination, admiſſion, and inſtallation of Biſhops, or Dignitaries, as being againſt the immunity of the Church. And then it is queſtioned whether all Chriſtian Emperours and Kings ſince *Conſtantine*, were breachers of the Eccleſiaſtick Immunity, until *Gregory* the ſeventh? And if ſo; then they muſt be all condemned, as alſo the very Popes (though ſometimes more powerful then *Gregory* was) for admitting, or not diſclaiming againſt ſuch abuſes; or ſurely that cenſure of *Gregory* muſt have been void.

And as for what they alledge out of the Councel of *Lyons* againſt the Emperour *Fredericus*, depoſed (as they ſay) by that Councel; I anſwer, that the depoſition was made not by the Councel at all, but by the Pope *ſacro præſente Concilio*, as the text ſpeaketh, and not *ſacro, approbante Concilio*, that is, the Councel being preſent, but not approving; and therefore all the Fathers admired of that depoſition, as *Binnius* relates, becauſe it was made, *Non ſine omnium audientium & circumſtantium ſtupore & horrore*, The whole Councel being aſtoniſhed and terrified thereat, as you ſhall find in *Binnius p.* 863. *in Concil. Lugdun.* 1. And though this ſentence had been approved by the Councel, yet this had been an Argument of fact only, which concludeth nothing *de jure*, as the Cardinal himſelf doth confeſs. Beſides that this Argument is as well againſt our Adverſaries, as againſt us, becauſe *Frederick* was neither Heretick or Perſecutor of the Church, but of ſome particular enemies, and the diſpute being only *de jure inveſtituræ*, and not of faith;

faith; and therefore could not be deposed *de jure*, if we do not extend our deposition to all kind of offences, and so render all Kings uncertain of their Crowns and Estates, which the adverse party will not approve of.

Hitherto we have seen what examples the Cardinal alledgeth from our new Law; now let us hear what he produceth from the old Law. King *Ozias* (quoth he) was deposed by the high-Priest *Azarias*; as also the Queen *Athaliah* by *Joiada* the Priest: and why not so in the new Law? To which I answer, that *Ozias* was not deposed at all, but separated from the Town for his Leprosie, as you shall find 2 *Paralip.* 26. and that *Joiada*, not as Priest, but as Uncle and Tutor to the young King *Joas*, his Nephew, not deposed, but killed the Queen, as being guilty of high Treason, 2 *Paralip.* 23. and if this example had concluded any thing to our purpose, then it had been lawful for Popes to murder Kings, as well as to depose them; which is a most abominable heresie. Or if examples of fact had concluded a point of right, then Kings may as well depose Popes, as *Salomon* deposed *Abiathar*, and many Catholick Emperours deposed some Popes of *Rome*, which yet the adverse party will not acknowledge to be just.

As for what the Cardinal alledgeth concerning the Prophets who sometimes deposed Kings; I say, it is to no purpose; first, because Prophets never deposed Kings, but rather declared them to be deposed by God, and that by special revelation, which Popes hitherto had not. Secondly, because Popes are neither Prophets nor successors of Prophets, but of Priests; and so the examples are not to our intent.

But (saith the Cardinal) we find in the book of the *Machabees*, that *Mattathias* the high-Priest discharged himself and his Nation from *Antiochus* their Infidel King, for his persecution against Religion. To which I answer, that *Mattathias* neither did, nor could do that, as Priest, but as Prince of the Jews; and not directly for the persecuti-

on

as made against Religion, but because the Infidel King usurped the Land granted them by God himself, and tyrannized over the peoples lives and liberties.

Now from examples, the Cardinal falls to reason the case: For (saith he) if a King doth invade the Subjects lives, and liberties, wives, and Children, and no other way left to curb him, it shall be surely lawful for Pope and Subjects to depose him: and why not as well, if he invades their Religion, which is more dear then life, and no other way left for their preservation? But I question our most eminent Cardinal, and that party, whether a Subject may lawfully kill his Prince for the defence of his Religion in this second case, as (according to their principles) he may for the defence of his life in the first case? If they affirm he may, then they are condemned by the Councel of *Constance sess.* 15. and by the Divines of *Paris, Anno* 1413. and again 1610. If they deny and say, he may not; then there must be a disparity betwixt the defence of our temporal life, and of our Religion, which can be none else, but that we may use temporal means for the defence of our temporal life, as deposition, *&c.* if no other remedy be left to preserve us in being: but for the defence of our spiritual Life or Religion, we may use only spiritual means, as prayers and patience, which is the express doctrine of S. *Ambrose, Gregory, Nazianz. Bernardus, &c.* And surely if we do but reflect on the primitive Ages, when the Church of God was in full splendor, and when *Asia, Affrica, Europe*, and all the Christian Armies were Catholicks; and Popes most holy and beloved by all; yet neither Popes, Subjects, or Armies ever ventured to depose their Emperours, though Hereticks, and persecutors of the Church, as *Constantius, Julianus, Valentinianus*; but left them to the judgement of God, *until they had been converted by the divine Clemency, and by the tears of Christians, no other remedy being left against the persecutor*, as *Nazianzen* preacheth, *Orat. in Julian.*

But

But, saith the Cardinal, a Kingdome once Catholick can never fall back, or be subject again to an Infidel or Heretick Prince; and therefore if the Prince, or his Successors become Hereticks, they may be lawfully deposed. Alas what a weak Argument is this from a most learned pen? I shall but only question, whether *Asia* or *Affrick* in times past being most Catholick, be now really subject to *Persians*, *Solymans*, and other Infidels? or whether that *Jury*, though in times past most holy, was truly afterwards subject to *Cæsar*, whom Christ and his Apostles acknowledged their Soveraign? Or whether the *Catholick* Empire or Provinces of *Constantine*, or *Vespasian*, were truly translated to *Julian* and *Domitianus*, though persecutors of the Church of God; and then S *Augustine l.* 5. *civit. c.* 21. will decide the controversie against the Cardinal.

But (saith the Cardinal) if a Country, once Catholick, may be translated afterwards to Hereticks or Infidels, how then may Christians challenge any right to the holy Land? more then to *Asia* or *Affrick*? To this I answer, that the reason is, because the holy Land is a part still of the Roman Empire, otherwise then *Asia* or *Affrick*, and violently separated, and possessed by the Turks, and still claimed against by Christians, whereby the prescription is interrupted. Besides, that according to the Cardinals principles, Christians may as well challenge *Asia* and *Affrica*, as being formerly Catholick; though indeed this we do not grant.

Finally, the Cardinal objects, that if Popes may not depose Kings in case of heresie, then the right of the Crown of *France* to the Province of *Tholosa* cannot be warrantable; for this Province came subject to *France* by the deposition of *Redmond* Earl of *Tholosa*, made by the Councel of *Latteran*, for his falling into heresie. To which I answer, that the Counsel could not depose the Earl, but only excommunicate him, which being done, the Earl of *Monfort* invaded his lands, and possessed himself of that Province, to whom afterwards the Inhe-

bitants freely submitted themselves, as to their true Lord and Master. But whether this be lawfully done, or no, I shall not determine; yet however, the Crown of *France* now hath purchased by prescription full right and power in that Province.

To this, if you say, that if a Prince be excommunicated, then his Subjects may not communicate with him, *Nec Ave ei dixeritis*, & therefore are discharged from their duty and Allegiance. To this I answer, that it is a mistake; for an Excommunication (being but an humane Law or Decree) cannot infringe the bounds of Nature assigned by God; and therefore cannot discharge a Wife, or Childe from their duty to the Husband or Father, nor a Subject from his Allegiance to his King, no more then can the sin of fornication or covetousnes, notwithstanding that the Apostle forbids us to keep company with such sinners, as he doth with hereticks or excommunicated, 1 *Cor.* 5. 11.

But (saith the Cardinal) the contrary opinion was alwayes the doctrine of all the Doctors of *France*, since School-divinity first begun; even of those Divines whom we commonly alledge for our selves, as *Occham*, *Joan. Parisiensis*, *Almainus*, *Petrus Gregorius*, *Hugo à S. Victore*, *Albericus*, *&c.* who though they teach that Kings may not be deposed by Popes, yet do still except the case of heresie. To this I answer, that it is an evident mistake; for surely the Cardinal by overmuch zeal to the Pope, and that the opposite opinion might not be condemned then as heretical, over-reached himself in this case, as we may see in *Azorius tom.* 2. *Instit. l.* 4. *c.* 19. *q.* 3. and *l.* 10. *c.* 6. *q.* 3. who (though a Jesuite, and of that party) yet clearly doth confess (and indeed he must) that *Occham*, *Joan. Parisiensis*, *Almainus*, *Hugo*, and *Albericus* were of our opinion, and therefore *Albericus in dictionario v. Electio*, saith, that the Decrees of Popes contrary to our opinion, and inserted in the Canon Law, as that of *cap. venerabilis*, and *cap. Apostolicæ extra de sententt. & re judicat.* and *Clem. eodem tit. cap pastoralis*, and *Clem. i. de jure jurando*,

are against all right and law. But to discharge our selves from all doubt in this point, let the Reader but exactly see the places by us above quoted, and the several Acts and Censures of the Parliaments, Universities, Faculties, and Divines of *France* (as formerly noted) and he shall clearly find the aforesaid Divines, as also the rest above related, to be absolutely and without any exception, limitation, or restriction, for our doctrine; though (I confess) in the places quoted by the Cardinal, they do *ex super abundantia cause*, except the case of heresie, because they plead then for such Princes as were no Hereticks at all, as *Henry* the fourth, *Ludovicus*, *Fredericus*, *Philippus*, *&c.* and therefore do conclude, that without any doubt or dispute, these at least could not be deposed, being no Hereticks at all. The example hereof is very obvious in all disputes *ad hominem*, that is, to admit sometimes false suppositions, or exceptions, not much conducing to the purpose, thereby to conclude the better, what is chiefly intended. As for example, The Councel of *Trent* disputing against the *Anabaptists* and *Pelagians*, who denyed original sin, defined as an Article of Faith, that all descending by way of concupiscence, are conceived in original sin, except the blessed Virgin *Mary*, not intending thereby that she was truly excepted or exempted (which was a question then much debated among Divines) but that all the rest at least were conceived in sin, which was the main intent. And this was the case of *Occham* and others, when they excepted the case of heresie, not that it should be truly excepted, but to avoid that dispute, that it may clearly appear, that Soveraigns in no other case at least may be deposed, and consequently that the deposition of Catholick Princes, then in question, hath been null and void. Besides it is certain, that *Occham* in the places quoted by the Cardinal, doth no more except heresie then other spiritual crimes, as simony, fornication, *&c.* as you may see *l.* 8. *q.* 2. *c.* 8. *ad* 3. and yet our Adversaries will not confess, that in these cases Kings may be deposed.

But say you, the contrary opinion was the doctrine and practise of the whole Church, those eleven Centuries past, until *Calvins* time. Alas, how erroneous this Assertion is, *France, Germany, Italy, &c.* by their aforesaid Councels, Divines, Canonists, *&c.* will most clearly testifie; so that it is but a poor violent shift to delude people by words of great notice, but of small truth or effect: Or if any truth be, why then doth the Cardinal admit our opinion (if against the Doctrine of the whole Church those eleven Centuries) to be safe and problematical in Conscience? It is very certain, if we look on the doctrine and practice of the Church those eleven Centuries, we shall not find one example, one Doctor, or Divine before *Gregory* the seventh, that ever taught that Popes may in any case at all depose a Soveraign by blood, more then they may kill him. Its true, that after *Gregory*, S. *Thomas* went that way, but could find no other proof for his doctrine, but the examples of *Gregory*, and his Adherents, as you shall find 2. 2. q. 10. and 12. and that against all antiquity, as you may see in the same place: And therefore S *Thomas* in this point is fully abandoned by *Sorbone*, as being contrary to antiquity, and to himself, 1 *Cor.* 6.

Now let any man judge how excessively the Cardinal speaks, when he tells us in his Oration, that there be ten Countries for the contrary opinion, against one for us; an hundred Doctors against one; ten Councels against none; whereas it is most certain, that all Countries and States of Christendome (whenever this case happened, or their Princes were deposed by Popes) stood for us; as also all the Fathers, and ancient Doctors of the Church (very few excepted) and most part of the Councels, that ever treated of this case, as formerly we have seen. And yet the learned Cardinal would perswade us, that the Pope is contented not to define the doctrine of so many Fathers and Doctors to be heretical, so we censure not his, but leave both opinions in their own probabilities.

This

This is all what the Cardinal produceth in that Oration to any purpose. And my intent at present being not to debate this Question *de proposito*, but only to shew the grounds of Reason and Authority, whereupon our Doctrine relyeth, I shall here take leave with the most eminent and learned Cardinal, having had no resolution at all to enter this dispute, if not forced by some friends to give this touch, least by the second new edition of the Cardinals Oration now (as they say) in hand, any schisme, or trouble may arise, against the Cardinals intention or scope; or least the faithful and loyal Subjects may by error or ignorance be seduced.

All which being fully pondered, let us now see, with what honour, or conscience may any Subject of what condition soever, decline his duty, or scruple at this Allegiance, grounded on so many strong Motives and Reasons, obliging (according to the Apostle, *Rom.* 13.) all in conscience, and under pain of damnation? Must we never open our eyes, or purge the infamy of our Religion? Must we never reflect on our miseries at home or abroad; or scruple at what our neighbouring friends of the *Gallican* Church do teach and maintain? Or must any subject for private self-interest, discontent, fancy, or pretension, forgo his loyalty to *Cæsar*, disgrace his Religion and Nation, exasperate his Soveraign, or offend those who desire to be offended? *O Udo, Udo, satis lusisti Iudo.*

Surely the Pope cannot be so severe against the publick good of an oppressed Religion, and of a distressed Nation: nor can envy our plain dealings in paying our Soveraign his temporal Allegiance, as our Soveraign will not envy us for paying the Pope his spiritual duty. His Holiness surely cannot disapprove of the Doctrine of so many Fathers and Divines, and which even *Rome* it self admitted hitherto safe and problematical. Neither shall we admire that, if our Doctrine be here branded with heresie, schisme, or other censures by some of the adverse party, but theirs to, may *per accidens* suffer the same measure,

ſure, though otherwiſe cenſures are not to be commended. And this was that moved Mr. *Walſh* of late, in his *Further Account*, to fall to ſome cenſures againſt the oppoſite Doctrine, not as *heretical*, as ſome Impoſtors do miſconſter, but (conformable to the cenſures of *France*) as *erroneous*, which are far different, even in matters of faith. Neither is he leſſe falſly accuſed, as that he ſhould teach in his laſt *Account*, that there may be an Appeal made from the definition of a general Councel, whereas his Doctrine is this only, that if *per impoſſibile* a general Councel ſhould define a falſe doctrine, or a thing never revealed by God (as that Popes may depoſe Kings) then there ſhould follow another *impoſſibile*, that the Councel ſhould err; and conſequently a recourſe then may be made to the diffuſive Church. And ſuch is the diſcourſe of Chriſt himſelf, *John* 18. if *per impoſſibile*, I ſhall ſay that I know not my Father, then followeth another *impoſſibile*, that *I ſhall be like to you, a lyar*

But to return to our purpoſe, I ſhall for my part, without paſſion or cenſure, deal with both powers, ſpiritual and temporal, above boord: *Render to Cæſar what Cæſars is, and to God what Gods is*: To *Cæſar* the adminiſtration of temporalities, and to God and his Prieſts the adminiſtration of ſpiritualities. Hence I will conclude, that as a Soveraign may not uſurpe the ſpiritual function of Prieſts, ſo Prieſts cannot intermeddle with the temporalities of Soveraigns without their own conſent.

Let none therefore either by fear, flattery, or falſe pretence of Religion, teach us the contrary, or ſeduce himſelf or others in this point; for diſobedience and knavery hath raigned too too long among many; ignorance and malice corrupted ſome; and on this ſcore have played an unfortunate game to their own ruine, and to the deſtruction of their neighbours.

It is not fit that our Soveraign ſhould neglect his own ſecurity, or live ſtill in patience and danger, which Subjects wilfully cannot do; or that Truth though once dead, ſhould never revive; or Juſtice, though once baniſhed, ſhould never be reſtored again. Surely

Surely his Majeſty hath reaſon, and is bound to ſecure his Crown; and ſo are his Miniſters to look exactly to their ſeveral charges; and therefore if any will abuſe his own duty, or their clemency, let him look hereafter for juſtice, impute to himſelf his misfortune, and conſider that the King carrieth not the Sword without cauſe, for he is Gods Miniſter, a revenger unto wrath to him that doth evil, as a rewarder of honeſty to him that doth good.

Therefore my humble advice is, that no Subject hereafter be a wavering Spirit carried by the fancies of Sedition or Rebellion, but rather conſtant in his duty to his Soveraign, transforming himſelf to a renewed Chriſtian life, in true Obedience and Loyalty, paying to God and *Cæſar*, what God and Nature requireth.

FINIS.

Errata ſic corrige.

PAg. 6. Sent. l. Gent. P. 10. Can. 47. alias 69. P. 17. Navelerus. Nauclerus. P. 44. Popes. a Pope. P. 47. on upon. P. 60. notice. noiſe.